The Solicitors' Journal

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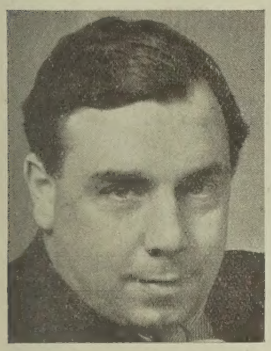

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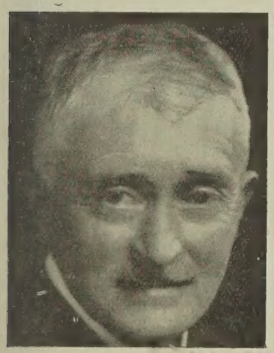

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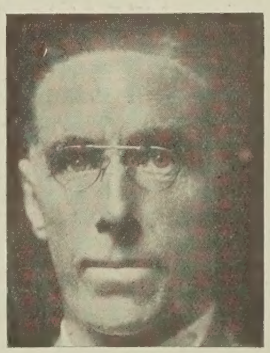

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The Solicitors' Journal

VOL. LXXVIII. **Saturday, September 29, 1934.** No. 39

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Current Topics.

The Law Society at Newcastle.

THE Fiftieth Provincial Meeting of The Law Society which was held at Newcastle-upon-Tyne under the Presidency of Mr. HARRY ROWSELL BLAKER, from the 24th to the 27th September, proved a complete success and was greatly enjoyed by those who were fortunate enough to be able to be present. A general report of the proceedings by our special representative appears at p. 672 of this issue, and it is followed by the text of the President's address and three of the papers read at the meeting, with the discussions thereon. A report of the Banquet held at the Old Assembly Rooms on Tuesday evening appears at p. 687. The other papers read at the meeting, together with the discussions thereon, will be published in subsequent issues.

Michaelmas Law Sittings.

THE slight upward trend in the litigation figures continues to make itself apparent in the lists for the Michaelmas Law Sittings which begin on Tuesday, 2nd October. In the King's Bench Division there is an increase of 23 over the figure for the corresponding period of last year, the number of actions this year being 1,102. Non-jury actions number 698, special juries 178 and common juries 138. In the Commercial List there are 43 actions as against 31 last year, while under Ord. XIV there are 45 actions set down, an increase of 15 over last year. Of the 698 non-jury actions, 188 appear in the New Procedure List. In the Chancery Division there is an increase of 36 causes and matters over last year, the total now being 312. There are 44 cases in the Witness List, Part I, which will be taken by Mr. Justice EVE and Mr. Justice FARWELL. One retained matter and four causes in the Witness List, Part II, will be taken by Mr. Justice EVE, and one matter in the Witness List, Part II, will be taken by Mr. Justice FARWELL. In the Witness List, Part II, there are 126 matters, for most of which Mr. Justice LUXMOORE and Mr. Justice BENNETT will be responsible. The Adjourned Summons and Non-Witness List will be tried by Mr. Justice CLAUSON and Mr. Justice CROSSMAN, the former also having one case in each of the Witness Lists. Company matters will come before Mr. Justice EVE and number 135, and there are 14 appeals and motions in bankruptcy. The increase in the Probate, Divorce and Admiralty Division is 162, undefended causes having risen from 638 to 802 and defended causes showing a fall of seven to 280. There are nine jury actions and 49 common jury actions, an increase respectively of two and three over last year's figures. There are four Admiralty actions for trial. The decrease in the Divisional Court figures and the increase in the figures for the Court of Appeal are mainly due to the passing of the Administration of Justice (Appeals) Act, 1934, s. 2 of which provides for appeals from county courts to go direct to the Court of Appeal instead of, as formerly, to the Divisional Court. There is an increase of 40 in the Crown Paper, an increase of seven in the Revenue Paper, an increase of two in the Special Paper and a decrease of 59 in the Civil Paper of the Divisional Court, the total figures for the next term being 121, a decrease of 12. There are 224 final appeals to the Court of Appeal, 23 from the Chancery Division, 89 from the King's Bench Division, one from the County Palatine Court of Lancaster, nine from the Probate, Divorce and Admiralty Division, and 102 from the County Courts, including 19 in Workmen's Compensation and one Admiralty matter. Both lawyers and laymen can take heart of grace from figures which so definitely reflect the return of more prosperous times.

New Road Traffic Law, 1st October.

SECTION 42, sub-s. (3), of the Road Traffic Act, 1934, provides that the Act shall come into operation on such day or days as may be appointed by the Minister of Transport, who is empowered to fix different days for the various purposes and provisions of the Act. Some of the sections merely enable the Minister to make regulations; others come into force upon the decision to that effect by the Minister. Sections brought into operation on 1st October belong to both classes. Of the former may be mentioned s. 6, which by sub-s. (5) empowers the Minister to make regulations with regard to the nature of driving tests necessitated by the prohibition by sub-s. (1) against the granting of a licence to drive a motor vehicle under Part I of the Road Traffic Act, 1930, unless the applicant has passed the prescribed test or held a licence before 1st April, 1934. Section 19, which enables the Minister to make regulations regarding reflectors on bicycles, will come into force on the same day, but it is intimated that before making any regulations the Minister will consider representations which he has received from the cycling organisations and the manufacturers. The sections which will come into force on 1st October, apart from any regulations, are 5, 8, 20, 33, 34, 35. The same applies to the 1st Sched. to the Act, which makes some alterations of the maximum permissible speeds in certain classes of vehicles. Convictions for exceeding a speed limit or for careless driving will be endorsed on the driving licence unless the court for any special reason sees fit to act otherwise (s. 5); it will be illegal to sell or supply motor vehicles not complying with existing regulations or alter vehicles with that effect (s. 8); it will be an offence to carry more than one person on a bicycle unless it is constructed to carry more than one; and a person charged with a driving offence must have his licence available at the hearing (s. 33). Under s. 34, it will be lawful for a jury to find a person indicted for manslaughter guilty of reckless or dangerous driving, whether the requirements of s. 21 of the Road Traffic Act, 1930, relating to notice of prosecutions have been complied with or not as respects that offence. Section 35 relates to the conviction for careless

driving of a person charged before a court of summary jurisdiction of reckless or dangerous driving, and enables the court to direct or allow a charge for the lesser offence to be preferred forthwith against the same defendant, "so, however, that he or his solicitor or counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge," and the court is to adjourn if it considers that the defendant is prejudiced by the aforesaid preferment of the charge.

Racial Discrimination in Third-party Insurance.

IT is unfortunately true, as has been remarked in this Journal on more than one occasion (see 77 SOL. J. 738, 839 and 78 SOL. J. 18), that the protection afforded to the public by ss. 35 to 44 of the Road Traffic Act, 1930, requiring the users of motor vehicles to be insured against third-party risks, is by no means complete. A further example of this was recently brought to light in a prosecution at Belfast on 13th September for permitting the use of a motor car without a policy of insurance against third-party risks in relation to the user. It appeared that the third-party insurance policy issued to the defendant excluded Jews, foreigners, music-hall artistes, theatrical agents and bookmakers, and the defendant had let out a car on hire to one Louis Cohen, whom the police had subsequently been unable to trace. The magistrate dismissed the case without prejudice to the police bringing it on again, as it had not been proved that the driver of the car was a Jew. The magistrate characterised the clause as Hitlerism, and said that a person born of British parents was a British subject, while a person born in Britain was only a Jew if of the Jewish faith and religion. The purely legal aspect of such clauses in insurance policies requires further elucidation. Of the five classes of persons excluded by the clause, the class "Jew" is the most difficult to define. Would persons of pure Jewish ancestry for generations past be within the policy if they or any of their ancestors had been baptised? Such persons are to-day subject to racial persecution and discrimination in Germany although in fact they are no longer Jews but Christians. Again, would atheists and agnostics of Jewish race come within the definition? Even more difficult is it to define the term on a racial basis. A mixed Jewish and "Aryan" ancestry is far from uncommon, and a Hitlerist definition of "Jew" as one with a Jewish grandparent borders on the ridiculous. It is highly probable that a condition of this sort in an insurance policy is too vague to be enforceable (see *Davies* v. *Davies*, 36 Ch. D. 359; *Guthing* v. *Lynn*, 2 B. & Ad. 232). If all insurance companies were enabled to evade liability by means of such a clause there would result a gravely serious inroad into the protection afforded to third parties on the roads, as well as a most unwelcome discrimination against racial or religious minorities.

The Russian Bank Case.

THE two cases of *In re Russo-Asiatic Bank* and *In re Russian Bank for Foreign Trade*, heard together, were the subject of a reserved judgment, delivered by EVE, J., on 23rd July last (78 SOL. J. 647). These, the latest, and possibly the last, of a series of cases during the past few years, due to the difficulties created by the policy of the Soviet Government in repudiating foreign debts, raised various points which have already been before the courts, and others of a constitutional character. In October, 1915, Russia was an ally in the war, and it became necessary to support its credit for the purchase of munitions, which was evidently collapsing. The Bank of England therefore, on the instructions of the Treasury, made a complicated arrangement between various Russian banks and English houses, the details of which are shortly set out in the above note, under which a very large sum of money was raised. The Russo-Asiatic Bank was one of these banks, and it had a branch in London which was ordered to be wound up under s. 338 of the Companies Act in 1926. In 1917 the Russian revolution took place, and in December of that year the new Soviet Government made a decree abolishing all private banks and transferring their funds to the State Bank. In January, 1918, all the acceptances were assigned to the Bank of England in consideration of the issue of exchequer bonds to the acceptors, and notices of the assignments were sent to Petrograd, but owing to the revolution, never reached the drawers, and were returned unopened. The Bank of England now claimed to prove for £720,000 in the liquidation of the London branch of the Russo-Asiatic Bank which had certain funds on which other claims were being made. Several defences were raised, but the main one was that of the Statutes of Limitation. The reply to this was that the Bank of England were acting as agents and trustees for the Treasury, and that no time ran against the Crown. But a further question was whether the Statutes of Limitation ever began to run at all. Ultimately, EVE, J., decided on the evidence of Russian experts and documents, and particularly on the authority of the decision of MAUGHAM, J., in *In re Russian Bank for Foreign Trade* [1933] Ch. 745, that all the private Russian banks did not die a lingering death, but were finally abolished in December, 1917, or January, 1918, and therefore, at the date of the assignment in March, 1918, there was no debtor in existence who could be sued, and therefore, the Statute of Limitations had no application, and the Bank of England's claim was entitled to succeed. All the same it is a little difficult to understand how any foreign bank or corporation can be dead in its native land, and yet at the same time sufficiently alive, in the form of a London branch, to be sued through a liquidator in England. It is a paradox of international law.

The Bank of England and the Crown.

THE main interest of this case was not in the decision, which ultimately turned on a highly technical question of Russian law, or in the enormous amount of money involved, for this was a test case, and the total sum lent by the English bankers to Russia ran into millions sterling, so much as in the brilliant and able arguments put forward by the ATTORNEY-GENERAL, Mr. COHEN, K.C., and Mr. VAN DEN BERG, K.C. The claim was made by the Bank of England, but the real plaintiffs were the Treasury, who conducted the negotiations, and the Attorney-General relied on *Lambert* v. *Taylor*, 4 B. & C. 138, and *Perry* v. *Eames* [1891] 1 Ch. 658, where Crown property was vested in trustees. On the other side, it was contended that the Bank of England was not the Crown, that neither the assignment nor the notice of assignment mentioned the Treasury, and that the case was not affected by any private arrangement between the Crown and the Bank. But there could be no doubt that the whole arrangement was initiated by the Treasury, on whose instructions the Bank acted, and who found the money to pay off the acceptors, and therefore were entitled in equity, if not at law, to enforce the obligation of the drawers. The action was not brought on bills of exchange, but on a contract of indemnity contained in two or three documents. On the second substantial point, the date of the dissolution of the Russian banks, it would be much more natural for an English lawyer to accept the view of M. DOBRYN, the expert called by the defence, that dissolution in Russian law was a gradual operation, and did not become effective until long after the critical date, 25th March, 1918. We are familiar with the idea of a compulsory winding-up order involving lengthy accounts and inquiries, and do not suppose a company to be defunct at the commencement or until the completion of the winding up. But that takes no account of the methods of a revolutionary Soviet Government abolishing private property by a stroke of the pen, and the evidence satisfied the learned judge that the banks could not have been in existence at the date of the assignment.

Fords and Ferries.

It is well settled that a highway does not cease to be one because it is permanently covered with water. The fact that floods may occasionally render it impassable does not prevent a highway from retaining its character where it crosses a stream by a ford, any more than do snowdrifts or landslides on a mountain road in winter. If the water made it permanently impassable it would obviously not be a highway. But, with the establishment of a ferry, different considerations arise and a number of protracted legal battles have been fought on the subject, one well fitted to produce, and which has produced, some monumental judgments wherein is collected a great store of learning.

Ferries are in modern times created by Act of Parliament, e.g., *Letton* v. *Goodden*, L.R. 2 Eq. 123. But all ancient ferries have their origin in royal grant or prescription, which presumes a royal grant. This was pointed out by Lord Macnaghten in *Simpson* v. *Attorney-General* [1904] A.C. 476, at p. 490, in the course of a judgment which is an admirable example of his masterly style. The right of working a ferry, the judgment continues, is in derogation of common right, which allows any person who is entitled to cross the river in a boat to carry others in the boat with him. The grant also carries with it an exclusive monopoly and a right to prevent by action any other person from disturbing the ferry by conveying within its limits passengers across the river. There is, of course, a corresponding liability on the ferry owner which is the consideration for his right. He must be in constant attendance with his boat in proper order and must only levy a reasonable toll from passengers, for whose benefit, and not for his own, the monopoly is granted to him. The ferry, like the ford, is virtually a part of the highway (*Letton* v. *Goodden*, *supra*, at pp. 130-131). It is for this reason, for example, that the owner of a ferry cannot (at common law) rid himself of his liabilities by building a bridge for the greater convenience of the public (*Paine* v. *Partrich* (1691), Carth. 191). The same reasoning has been applied to fords and stepping stones on public footpaths so as to prevent their conversion into foot bridges (*Sutcliffe* v. *Sowerby Surveyors of Highways*, 1 L.T. 7 ; *Radcliffe* v. *Marsden U.D.C.*, 72 J.P. 475). An interesting question might arise where a ford in the course of a public footpath had been replaced by a ferry worked, without any express grant, by the owner of the land on one of the banks of the stream across which the footpath ran, who had thereafter ceased to provide a ferry service. Presumably, the ferry would not, in the absence of a prescriptive right giving rise to a presumption of a royal grant, have become part of the highway. There would, therefore, be no monopoly vested in the operator of the ferry and no corresponding duty cast upon him to provide a ferry service for those who were merely his licensees. Indeed, he would seem, in doing so, to be emulating the too zealous bridge builders in the cases last cited and to be liable to be restrained. If, on the other hand, a prescriptive right to the ferry were proved to be vested in the riparian owner, arising from a date subsequent to the change from ford to ferry, then the owner would appear to be neglecting his duty in closing the ferry. The question is one of interest, both practical and academic, and does not yet appear to have been judicially determined.

The legal battles above referred to were fought upon the other issue, also mentioned above, namely, that of disturbance. An action of this kind of necessity first involves proof of the ferry owner's title and then of the disturbance. Most of the cases dealt with ferry rights granted by statute, e.g., *Letton* v. *Goodden* (*supra*), but in *Hammerton* v. *Dysart* (*Earl*) [1916] 1 A.C. 57, the franchise of ferry was claimed by prescription or lost grant, and the law in this connection was reviewed by the House of Lords in some detail without deciding the question whether the Earl had proved his title. This became unnecessary because of the decision that there had been in fact no disturbance and on this point also the judgments are a valuable repository of learning. They establish (per Lord Haldane, at pp. 75–77, and per Lord Parker, at pp. 92–93) that the ferry owner's monopoly only extends to the carrying of such persons as wish to cross between the points served by his ferry. He cannot compel persons wishing to cross between other points, i.e., different or new traffic, to use his ferry, nor can he restrain other persons from maintaining ferry services between other points. If the other ferry carries persons in the same line, or so near it as to attract those wishing to use the same line, as his own, then he has a right of action. If the other ferry only carries traffic which would not in any event have reverted to his own, such as the traffic between two newly-grown residential districts, then he has no right.

The case also reaffirmed the rule that a ferry is to be regarded as a link between two highways leading up to it on either side, or as part of the highway which continues through or over the water (see per Lord Parker, at p. 79). This *dictum* was quoted by Russell, J. (as he then was), in *East Riding of Yorkshire County Council* v. *The Company of Proprietors of Selby Bridge* [1925] Ch. 841, where it was held that a particular statute substituted a bridge and its approaches for a ferry and its approaches, achieving, incidentally, what the bridge builders in *Sutcliffe's* and *Radcliffe's Cases* (*supra*) had failed to do at common law.

The most recent case, which attracted considerable attention, was the Poole Harbour Ferry case, *Bournemouth-Swanage Motor Road and Ferry Co.* v. *Harvey & Sons* [1930] A.C. 549, another case fought on the issue of disturbance, in which it was decided that a particular private Act did not confer on the grantees an exclusive right of ferry so as to entitle them to restrain those who had for many years maintained a ferry close by. Lord Macmillan considered in some detail the nature of a ferry owner's monopoly as laid down in the cases already cited, and his judgment is a useful collection of the relevant *dicta*.

The ferry owner is gradually being relieved of his burden, for by the Ferries (Acquisition by Local Authorities) Act, 1919, he may sell or transfer his ferry to the appropriate authority. This is a separate and distinct right from the inclusion of a franchise of ferry in a conveyance of land whose owner has for many years enjoyed it. This inclusion is implied by s. 62 of the Law of Property Act, 1925, in a conveyance of either land or a manor. But unless the ferry is transferred in one of these ways Charon must still do his duty if he would have his obol.

Mr. H. R. Blaker.

It is our privilege to present with this issue a portrait of Mr. Harry Rowsell Blaker, solicitor, who has been elected President of The Law Society for 1934-35. Mr. Blaker is senior partner in the firm of Messrs. Mercer & Blaker, of Henley-on-Thames, and is also a partner in the firm of Messrs. Master & Blaker, of Kinnaird House, Pall Mall East, S.W.

He was born in October, 1872, the son of Mr. Harry C. Blaker, who practised as a solicitor in the City of London. Educated at Westminster School, where he was captain of cricket in 1890-91, he served his articles first with his father and later with Mr. Charles Gardner, of Messrs. Loxley, Elam & Gardner. In 1898 he entered into partnership with Mr. William Mercer at Henley-on-Thames, under the style of Messrs. Mercer and Blaker. Mr. Blaker now carries on the practice in partnership with his son, Mr. Guy Stewart Blaker, B.A. In 1915 he was elected a Member of the Council of The Law Society. He is also a member of the Berks, Bucks and Oxfordshire Incorporated Law Society, and held the office of President in 1916-17. He was chairman of the Associated Provincial Law Societies in 1921-22.

Mr. Blaker married, in 1901, Leila Beatrice, youngest daughter of Colonel Arthur Ford, R.A., C.B. He has always taken an interest in games, and his chief recreations are cricket and golf.

Book-keeping for Solicitors.

I.

All solicitors will be familiar by this time with the new rules which come into operation on the 1st January next regarding the separation of clients' money from their own, and so much has been written and said on the subject that it may seem presumptuous on our part to add still further to the already existing mass of literature.

We are venturing to do so, however, because and not in spite of, all that has been written already. The abundance of ink that has been used on the subject, and the very diversity of views expressed on the best method of carrying the statutory requirements into effect, may well-nigh make all but the boldest solicitor shrink from the ordeal of attempting to comply with the rules. Yet, on examining the matter critically, it seems that there is little need for anxiety, and, as will be shown later, any solicitor may commence the New Year without misgivings if he will be prepared to adopt a definite system in the recording of his financial transactions, and follow that system consistently. In fact, it may be said at the outset that any solicitor can comply with the new rules by the simple expedient of ruling another cash column in his books and opening another banking account.

Before turning to the practical side of the matter, it will not be out of place to glance briefly at the new rules (the Solicitors' Accounts Rules, 1935) and ascertain exactly what are the requirements with regard to records.

Rule 1 provides that a solicitor shall, after the 1st January, 1935, keep such books and accounts as may be necessary to show and distinguish moneys received from or on account of, and moneys paid to or on account of, each of his clients, and the moneys received and the moneys paid on his own account. This rule is devoid of ambiguity, and so far as the very large majority of practising solicitors is concerned, it imposes nothing new or onerous. It will, in fact, be apparent on reflection that all the solicitor has to do, if he has not already some book in which his receipts and payments are recorded, is to obtain two memorandum books, and designate one a record of his clients' moneys and the other a record of his own moneys. If he preserves the left-hand page of the open book for the purpose of recording receipts and the right-hand side for recording payments, and consistently records all receipts and payments in the proper book, then he will have complied fully with the requirements of r. 1. He may, if he desires, obtain one book only, and rule on each of the pages two cash columns, the inside one on the left-hand page being reserved for the recording of receipts on clients' account, and the inside one on the right-hand page for payments on clients' account, the two outside columns being reserved for receipts and payments on his own account. He will thus have avoided a multiplicity of books. The difference between the two inside columns and between the two outside columns will represent cash which he has in hand on clients' account and own account respectively. Thus far the reader will, no doubt, be prepared to admit the matter is simplicity itself, for at any given time the solicitor may, by reference to the two inside columns of the cash book, readily see how much he has in hand for each respective client and may compile a list or statement of the amounts, the total of which will tally with the difference between the two sides. If the practice of marking the amounts on each side of the book in a distinctive manner, say, by ticking them in red ink when the amounts have been paid away, is adopted, then the compilation of the statement of balances is greatly facilitated. Whilst the compilation of the records, however, is unlikely to tax the patience of the solicitor much, the extracting of the various clients' balances is probably going to be a laborious process, and we shall show hereafter how this labour can be avoided.

Rule 2 of the rules provides that, after the 1st January next, every solicitor who holds or receives money on account of a client shall, without undue delay, pay such money into a current or deposit account at the bank, to be kept in the name of the solicitor in the title of which the word "client" shall appear. Any number of separate "client accounts" may be opened, but the majority of solicitors will find it convenient, no doubt, to have only one general "client account" at the bank, into which all clients' moneys will be paid. It will be evident that if a book is kept similar to that described above, then the difference between the two inside columns must always equal the balance shown on the "Clients' account" bank pass book.

Rule 2 goes on to provide that, where a cheque is made up partly of clients' money and partly of money due to the solicitor, then the cheque may, where practicable, be split and that part only which represents money belonging to the client be paid into the clients' account, the balance being paid into the solicitor's personal account. Where it is impracticable to split the cheque, and in a good many instances it will be found that the bank does not favour this procedure, then the whole amount must be paid into the client account and the solicitor's proportion withdrawn subsequently under r. 4.

There is one point here which appears to have escaped the attention of the majority of writers on the subject. Rule 5 specifically provides that the preceding rules, namely, rr. 2, 3 and 4, shall not apply, *inter alia*, to money which in the ordinary course of business upon receipt is paid on behalf of the client to a third party, and money which is upon receipt paid to a client. Quite clearly this means nothing more or less than that where money is received by a solicitor and is to be passed over immediately to some third party, say in settlement of an action, or as the purchase price of property, then there is no need whatever to pay it into the clients' account at the bank. The rules are designed to protect the client in those cases where he leaves money in the solicitor's hands for an indefinite time and for an indefinite purpose. Notwithstanding this, however, many solicitors will choose to pay all moneys received for or on behalf of a client into the clients' banking account, and this course, indeed, seems preferable.

It will be quite clear from the above that, if the solicitor consistently follows the system of entering in the cash book, in the appropriate column, all moneys as and when they are received and paid, and banks all receipts, say, daily, little difficulty will arise in complying with the requirements of the rules. The method outlined above represents the minimum that may be done in order to effect a bare compliance with the rules, and it will be appreciated that a more efficient system is desirable—one that will not only comply with the statutory requirements, but which will also provide the solicitor with information as to the state of a particular client's account at a glance, and from which he can ascertain his own financial position—and in our next article we propose to show how the very simple system outlined above may be expanded on what is known as the "double-entry" system of book-keeping.

Company Law and Practice.

The Name of a Company.—II.

I propose to continue last week's topic of certain of the pitfalls that surround the choice of a name for a company, and I shall deal primarily with the degree of monopoly that may be acquired in respect of such a name.

Where the first producer of an article of manufacture has identified with it a particular name and obtained legitimately its exclusive use, quite apart from registration as a trade mark, the law will restrain by injunction an invasion thereof by another person, whatever may have been the origin of the invasion; for "the fact of misleading, or the tendency to

mislead, and not the intention of the proceeding which has such a result or such a tendency, entitles the person who is injured to the protection of a Court of Equity": see *The "Singer" Machine Manufacturers* v. *Wilson*, 3 A.C. 376, 396. And it is not essential therefore to prove a fraudulent intention on the defendant's part. The facts in the case of *Lee* v. *Haley*, 5 Ch. App. 155, are an instance of such an intention.

It should be noted that s. 17 (1) of the 1929 Act, to which I had occasion to refer last week, does not contain the words "in the opinion of the registrar" which are present in sub-s. (2) of that section. This would indicate that the Legislature did not intend the registrar to decide whether one name is, by resemblance to another, calculated to deceive; and this view is supported by the case of *The King* v. *Registrar of Companies: Ex parte Bowen* [1914] 3 K.B. 1161. There an application was made for the registration, under the 1908 Act, of a company with the name of "The United Dental Service Limited," and it was intended to carry on the profession of practitioners in all branches of dentistry by practitioners not registered under the Dentists Act, 1878. For our purpose its relevance lies in the court's decision that the Registrar of Companies had no power to refuse registration upon the ground that the name of the company would be calculated to deceive people into the belief that the business was carried on by registered practitioners.

For the benefit of those interested in the promotion of companies, it may be noted that *Hendriks* v. *Montague*, 17 Ch. D. 638, decided that promoters may be restrained from registering a company which is intended to carry on the same business as the plaintiff company and to bear a name so similar to the name of the latter as to be calculated to deceive the public. The plaintiff was the proper officer to sue on behalf of an unregistered company known as the Universal Life Assurance Society, and it was proposed to call the new company, one of whose promoters was the defendant, the Universe Life Assurance Association.

Factual details of the particular names involved play an essential and important part in each case, and I think we would do well to consider some of the numerous decisions on the matter, always bearing in mind the principle (which I quoted last week) as well set out in *Levy* v. *Walker*, 10 Ch. D. 436, by James, L.J., at p. 447. In the case of *The Manchester Brewery Company Limited* v. *The North Cheshire and Manchester Brewery Company Limited* [1898] 1 Ch. 539, Lindley, M.R., said at p. 545: "If you find any company not merely taking part of the name of a subsisting company, like the word 'Manchester,' but taking the whole of the name of a subsisting company and combining it with the whole of the name of another subsisting company, the inference is that there has been an amalgamation of the two companies, and tends to deceive the public into the supposition that the business of each of the old companies is being carried on by the new company"—an inference which appears consonant with common sense.

Again, where the name adopted by the defendant merely describes the character of his business (as in *British Vacuum Cleaner Company Limited* v. *New Vacuum Cleaner Company Limited* [1907] 2 Ch. 312) and has acquired among the public or a section of it no subsidiary or secondary meaning, denoting the quality and the origin of the manufacture of the article, then the courts have great difficulty in interfering and granting the injunction. I dealt last week with this secondary meaning in discussing the case of *Reddaway* v. *Banham* [1896] A.C. 199; the onus of proving that words commonly or properly descriptive have such subsidiary meaning as entitles the user to their exclusive use lies on that person, and it is not easy to discharge. See also *Cellular Clothing Company Limited* v. *Maxton and Murray* [1899] A.C. 326. And a company cannot, merely by registering as its title, or part of its title, a single word, whatever its nature (e.g., "Aerators," "Motors," "Automobiles"), remove that word from the English language so far as regards its use in the title of subsequent companies: see *Aerators Limited* v. *Tollitt* [1902] 2 Ch. 319, where the registered plaintiff company endeavoured to restrain the registration of a new company with the name "Automatic Aerators Patents Limited," alleging that its resemblance to the plaintiff company's name was calculated to deceive. The principal objects of both parties were the same, but their patents and apparatus were quite different.

Apart from the exclusive use of a name in connection with a trade or business, in this country no recognition is afforded of the absolute right of a person to a particular name to the extent of entitling him to prevent the assumption of that name by a stranger: see *Du Boulay* v. *Du Boulay*, L.R. 2, P.C. 430, 441, and *Day* v. *Brownrigg*, 10 Ch. D. 294. For example, there is in law no monopoly in the name of a newspaper; the proprietors of a newspaper will be entitled to an injunction restraining the publication of another newspaper with a similar name, only if they show that the use of that name is calculated to lead to the belief that the defendant's newspaper is the plaintiff's; and that the use of such name is injurious to them: *George Outram & Co. (Limited)* v. *The London Evening Newspapers Company (Limited)*, 27 T.L.R. 231. The plaintiff's newspaper, the *Evening Times*, circulated in Glasgow and the South-west of Scotland; the defendant's paper, also the *Evening Times*, did not circulate beyond 150 miles of London; confusion only because of the name itself was the only possible suggestion in support of the plaintiff's contention.

Facts, such as the defendant carrying on business in a different place to the plaintiff's, may show that in fact there is no risk of deception, where the defendant's name is very similar to that of the plaintiff's; and this, even though the two businesses are of the same character: see *Turton* v. *Turton*, 42 Ch. D. 128, but compare *The Manchester Brewery Co. Limited* v. *The North Cheshire &c. Co. Limited* (*supra*, affirmed [1899] A.C. 83). "If John Brown sells coals, another John Brown may sell potatoes, and there is no law that I know of to prevent him selling his potatoes under the name of John Brown," so said Jessel, M.R., in *Merchant Banking Company of London* v. *Merchants Joint Stock Bank*, 9 Ch. D. 560, at p. 563. Where Smith sells goods under his own name and Jones sells similar goods under the name of Smith, it may be presumed that he so uses it to represent the goods sold by himself as the goods of Smith: see *Burgess* v. *Burgess*, 3 D.M. and G. 896, and the remarks of Turner, L.J., at p. 905.

An important aspect of the matter arises on the purchase by a company of the goodwill of an existing business. The facts in the case of *Levy* v. *Walker*, *supra*, are too involved to be detailed here, but for our present purposes the material portion is contained on p. 449. There James, L.J., says:—"... the sale of the goodwill and business conveyed the right to the use of the partnership name as a description of the articles sold in that trade, and ... that right is an exclusive right as against the person who sold it, and an exclusive right as against all the world, so that no other person could represent himself as carrying on the same business." The case of *Burchell* v. *Wilde* [1900] 1 Ch. 551, is also relevant on this point.

I have been able to do little more than deal in outline with this interesting and practical topic; the importance of which cannot be overlooked by those entrusted with the management of companies. The authorities are extremely numerous and such of my readers who can find time to explore and elaborate the principles I have endeavoured to state will not, I am sure, regret such activities on their part.

BOROUGH OF WOLVERHAMPTON.

The next Quarter Sessions of the Peace for the Borough of Wolverhampton will be held at the Sessions Court, Town Hall, North-street, Wolverhampton, on Friday, the 26th day of October, 1934, at 10 o'clock in the forenoon.

A Conveyancer's Diary.

Mortgagees under the L.P.A.

It is one of the strange anomalies of what we still call the "New Law of Property," that it should be so meticulous about settled land. Before 1926 a tenant for life within the meaning of the S.L.A., 1882 (who was in fact a tenant for life, or at least one who in general parlance could be so described), could convey the whole legal estate which was subject to the settlement, although he did not, in fact, hold that estate. Thus, a tenant for life in the ordinary sense of the term and ignoring statutory definitions, might convey the fee simple, subject, of course, to conditions with regard to the payment of the purchase price and so forth. Still he could convey the fee simple. That it seems was thought to be an anomaly. Why should a man be able to convey what he has not got? On some such lines those responsible for the 1925 legislation appear to have proceeded. Consequently, we have a still greater anomaly in that a person who is really only a life tenant, has vested in him the whole fee simple, for no reason at all, except that in making a conveyance he will only be conveying what he has. The former law which empowered him to convey what he had not seems to have struck the framers of the 1925 legislation as being something that ought to be put right. So they set about it, and, amongst other things, devised the expression "estate owner" as descriptive and definitive of the legal owner of the whole legal estate (I am, for convenience, treating the matter as a settlement of an estate in fee simple).

It would have been thought, then, that the expression "tenant for life" or "a person having the powers of a tenant for life" (which mean for all practical purposes the same thing) would have been dropped altogether. "Estate owner" would have been substituted. Not at all! The expression "estate owner" having been coined, the draftsmen of the Act have been content with that effort and throughout the S.L.A., 1925, perpetuated the description of an "estate owner" as "a tenant for life" (which, of course, includes a person having the powers of a tenant for life). Why? I do not know. It looks as though the draftsmen of the S.L.A. had exhausted their resources in nomenclature in finding "estate owner" and then wilted about it.

However that may be, it seems to be clear enough that the "tenant for life" was to be put in a position of only being able to convey the estate which he had and consequently the fee simple (or the whole legal estate settled) was henceforth to be vested in him; and apparently for no other reason than that it was an anomaly that he should be able to convey some estate which he had not in fact vested in him.

Now, whilst the "New Law of Property" has certainly done away with that anomaly (with results never contemplated) there has been created another anomaly of precisely the same kind, in this respect, that the owner of an estate is for the first time enabled to convey what in fact he has not got. That is so with regard to all property in mortgage. As things stand at present, to put it quite plainly, a mortgagee, although before 1926 he may have held in fee simple, and therefore be able to convey that estate in the exercise of his powers, statutory or otherwise, he is now perforce only the holder of a term of years, but (and here is the anomaly) he may convey the legal estate in fee simple. So, whilst destroying the power for a man to convey in one capacity as the owner of an estate which he has not got (a power which as a tenant for life he had before 1926) it confers upon another a power (which he had not before 1926) of conveying an estate which he had not got. In principle there is no difference between them, if it is considered undesirable in the one case, that there should not be a power to convey an estate which the grantor has not, it is equally undesirable that the same should be (and for the first time) admissible in the other.

That brings me to the powers of a mortgagee. It is hardly necessary to remind the reader that for all practical purposes his powers and rights remain as they were. It is true that he has only a term of years vested in him, but that is a mere legal fiction. In fact, he has the powers in all respects which he would have had before 1926 under an ordinary mortgage. I do not know of anything which a mortgagee can do now which he could not have done under the old law, nor do I know of anything which he cannot do now which he could not formerly have done. I am referring now to legal mortgages.

In passing I may say (once more) that I do not understand why the "charge by way of legal mortgage" has not been adopted more frequently than it has been. There can be no doubt that the draftsmen of the L.P.A. intended that it should be the usual form of mortgage in future use; yet it is not so much used as might have been expected. It is to be regretted that the Act did not provide that all mortgages should be in that form and altogether abandon the system of mortgages by demise.

I think that the charge by way of legal mortgage is being more commonly used now, and I hope that it will become universal. The banks do not seem to like it, however; why, I do not know.

The powers of a mortgagee remain very much as they were. So in s. 88 (1) it is enacted:—

> "Where an estate in fee simple has been mortgaged by the creation of a term of years absolute limited thereout or by a charge by way of legal mortgage and the mortgagee sells under his statutory or express power of sale—
>
> "(*a*) The conveyance by him shall operate to vest in the purchaser the fee simple in the land conveyed subject to any legal mortgage having priority to the mortgage in right of which the sale is made and to any money thereby secured and thereupon;
>
> "(*b*) The mortgage term or the charge by way of legal mortgage and any subsequent mortgage term or charges shall merge or be extinguished as respects the land conveyed.
>
> And such conveyance may, as respects the fee simple, be made in the name of the estate owner in whom it is vested."

There are ancillary clauses with which I am not for the moment concerned. It is enough for my present purpose to show that a mortgagee, whether by demise or having a charge by way of legal mortgage, is for all practical purposes in the same position, so far as regards his power of sale, as an ordinary mortgagee was before 1926. He may convey the legal estate in fee simple although he has, in fact, vested in him only a term of years. That is an anomaly if you like!

Landlord and Tenant Notebook.

Dangerous Structure Notices.

When the condition of demised premises becomes such that they constitute a danger and attract the attention of the local authority, who order repairs to be effected, a good many considerations may have to be taken in account in deciding who is ultimately to foot the bill. To begin with, there is the consideration whether the premises are situated in or outside the County of London; for the statutes which apply differ not only in scope but also in the amount of attention bestowed on the rights and duties of the parties to the lease. That is, in both cases they are obviously most concerned with the interests of the public, with getting the work done; by whom and at whose expense is a minor matter. And when this geographical question has been considered, the following factors may become important: covenant for quiet enjoyment, covenant to repair, covenant to pay outgoings.

Outside the Metropolis, local authorities derive their powers from special statutes or from the Towns Improvement Clauses Act, 1847, applied to urban districts by the Public Health Act, 1875, s. 160, and capable of being applied to rural districts by virtue of s. 276. By s. 75 of this statute, if a building, etc., becomes ruinous and dangerous to passengers or occupiers or to neighbouring buildings, the authority may serve notice requiring the owner or occupier to repair, secure, etc. So far, the enactment appears to be impartial or indifferent as between or as regards landlord and tenant—but later, when it comes to sanctions, we find that in default of compliance justices may order " the owner, or in his default the occupier (if any) " to effect what is necessary ; finally, if the order be ignored, the authority does the work and all expenses fall on the owner. Passing on to quite a different part of the statute, we find the following provisions : if an owner makes default and an occupier does the work, the latter may recover the expenses from the former or deduct them from rent (s. 148) ; if the work be done by the authority, they may, as additional remedy, charge the expenses on the occupier, who may recover them from the owner or deduct them from rent, the authority's rights being limited in the former case to the amount of rent (ss. 150, 151) ; if an occupier hinders an owner who has been ordered to execute works from entering, the owner may obtain a justice's order entitling him to enter, etc., within ten days (s. 153).

In the Metropolis, the London Building Act, 1894, contains corresponding provisions as follows : s. 106 authorises the county council by its district surveyor to serve the requisite notice on " owner or occupier " ; by s. 107 the council may order the owner to repair, etc. ; s. 109 deals with expenses and with cases in which the council have themselves done the work and makes the expenses and cost recoverable from the owner, but without prejudice to any right he may have to recover them from any person liable for the expenses of repairs ; s. 192 (in a part called " Miscellaneous ") authorises owners, builders, etc., to enter for the purposes of complying with dangerous structure or demolition orders after giving seven days' notice and on producing the orders.

So both codes are mainly concerned with getting the work done ; both contain machinery for suspending a tenant's rights in the matter of trespass ; but neither explicitly refers to quiet enjoyment or to covenant to pay outgoings ; while, when it comes to considering possible covenants to repair, the country code manifests what might be called a strong pro-tenant bias, while the law of London makes it clear that no interference is intended.

In these circumstances, I will now consider the possible effect of the covenants named, as to which authority is extremely scanty : indeed, there appear to have been no decisions interpreting the cited sections of the Towns Improvement Clauses Act, 1847, at all, and those of the London Building Act, 1894, have been touched upon rather than interpreted.

To begin with the covenant for quiet enjoyment, which can, of course, be a lessor's covenant only ; it is clear that both in the country and in London a landlord ordered to repair may protect himself as regards mere entry by obtaining a justice's order in the one case and giving due notice in the other. In *Trotter* v. *Louth* (1931), 47 T.L.R. 335, a London case in which the lessor had omitted to give notice, he was held liable to his tenant for breach of covenant of quiet enjoyment and to a sub-tenant of part for trespass. Now the case has been read as deciding that the notice would have absolved him entirely. I am not prepared to accept this view. The facts were that he had not merely to enter, but to disturb for some weeks the possession enjoyed by tenant and sub-tenant. Certainly as regards the latter I cannot see that the notice would have been an answer. The fact that the order was statutory would not avail the landlord either : in *Budd-Scott* v. *Daniell* [1902] 2 K.B. 351, a tenant, compelled to move out while his landlord carried out a statutory duty to paint, which she had forgotten when granting the tenancy, recovered damages for breach of covenant of quiet enjoyment. Admittedly there is no direct authority on the point ; in *Williams* v. *Gabriel* [1906] 1 K.B. 155, the action arose out of a dangerous structure notice, but the notice did not affect the part of the premises (a block of tenements) held by the plaintiff, and the claim failed because he sued the representatives of the original lessor instead of the assignees of the reversion ; but it is perhaps significant that no argument was advanced that the statute overrode the covenant. The nearest we get to this proposition is *Wright* v. *Lawson* (1903), 19 T.L.R. 203 (affirmed [1903] C.A., W.N. 108), in which the covenant concerned, however, was a covenant to repair, which I shall deal with presently.

When a dangerous structure notice or order is addressed to one who happens to be covenantee under a covenant to repair, he will naturally try to get the covenantor to hold the baby. If the notice or order be made under the Towns Improvements Clauses Act, 1847, or a statute applying it, and the covenantee be landlord, I cannot see that his efforts can succeed. The whole of the country code seems designed to make landlords liable for the repair of dangerous structures regardless of any contractual obligations upon tenants. In London, on the other hand, the sanctity of contract is carefully preserved. But it must be remembered that even the most comprehensive repairing covenant may not extend far enough. Frequently dangerous structures are buildings already doomed when they were let, and in such circumstances, according to *Lister* v. *Lane* [1893] 2 Q.B. 212, C.A., the covenant does not apply. It seems clear that, while an order had been made and executed in this case, the judgments are concerned with the state of the premises in fact and the effect of the covenant in law only, and whether the statute modified or could modify the position never came under discussion. And I think that *Wright* v. *Lawson* (1903), 19 T.L.R. 203, and [1903] W.N. 108, in which a tenant covenantor was held not liable to replace a condemned overhanging bow window when compliance with the Act would have necessitated the erection of supporting columns, should be said to have been decided on the same principle as *Lister* v. *Lane*, which was cited by the court ; in other words, that the statute had nothing to do with it. When the state of a condemned structure cannot be ascribed to age and/or can be ascribed to its treatment at the hands of a tenant covenantor, I see no reason why a London landlord should not sue on his covenant.

The question of the effect of a covenant to pay outgoings is more difficult. The efforts of draftsmen appear to have had the result that the covenantor can be called upon to pay any sum due from him or the covenantee by virtue of an Act of Parliament. While, as was said in *Home and Colonial Stores*, v. *Todd* (1893), 63 L.T. 829, a reddendum qualified by " clear of all deductions " might not suffice to deprive a tenant of a statutory right to deduct, it was held in *Tubbs* v. *Wynne* [1897] 1 Q.B. 74, that " outgoings " in a contract of sale included the expenses of executing a demolition order, and the inclusion in a covenant to pay outgoings of wide terms such as " impositions," " assessments " and the phrase " to be charged upon the premises or upon the landlord or tenant in respect thereof " has made the covenantor liable for the cost of executing nuisance abatement orders : *Foulger* v. *Arding* [1902] 1 K.B. 700, C.A. ; of paving expenses : *Skinner* v. *Hunt* [1904] 2 K.B. 452, C.A., etc. But importance must be attached to a passage in the judgment of Collins, M.R., in *Foulger* v. *Arding* : " Such an extreme case as that of an obligation to pull down and rebuild the premises is so far outside of anything that can possibly be conceived of as being within the contemplation of the parties that it is necessarily excluded from the meaning of words which might have otherwise been wide enough to include it." On the other hand, the

hypothesis visualised not a dangerous structure order, but a building line order! So all it seems safe to say is that a widely worded covenant might serve the desired purpose in London, but is less likely to do so in the case of the rather more pointed directions of the Towns Improvement Clauses Act, 1847.

If a lease contains a lessor's covenant to repair and a tenant's covenant to pay outgoings, any conflict which may arise is settled in the tenant's favour: *Howe* v. *Botwood* [1913] 2 K.B. 387.

Our County Court Letter.

THE DEFINITION OF A COMPLETE EXECUTION.

In a recent case at Hanley County Court (*In re Godwin; The Trustee* v. *British Reinforced Concrete Engineering Co. Ltd.*) the claim was for the repayment of £334 9s. 4d., as moneys received under an incomplete execution. The evidence was that (*a*) in January, 1932, the respondents obtained judgment for £301 10s. 3d., and afterwards issued execution for £310 17s. and costs; (*b*) the sheriff was in possession until the 7th May, by which time the respondents themselves had received the whole amount due, none of it having passed through the hands of the sheriff; (*c*) between January and November, 1932, the number of executions levied was 130, and the receiving order was made in the same year. The applicant contended that (1) as the sheriff had not received the money, and had not made a return to the writ of execution, the latter was incomplete; (2) the amount received thereunder was repayable by the respondents (as assets available for division among the general body of creditors) in spite of the fact that the respondents had received the money over two years ago, and many months before the bankrupt had filed his petition. His Honour Judge Ruegg, K.C., having reserved judgment, observed that the sheriff could only have made one return to the writ, viz., that the debt had been paid in full. The applicant's motion was therefore dismissed, with costs. The leading case hereon is *In re P. E. and B. E. Kern* [1932] 1 Ch. 555.

LIABILITY FOR DIRTY LEMONADE BOTTLE.

In *Flexman and Another* v. *R. White & Son, Ltd., and Barfield,* recently heard at Westminster County Court, the plaintiffs were husband and wife, their claims being as follows: by the wife against the first defendants for £70 as damages for negligence; by the husband against one or other of the defendants for £29 19s. 6d. as damages for breach of warranty and negligence. The evidence was that the wife, having bought a bottle (at the second defendant's shop) containing lemonade manufactured by the first defendants, had suffered from carbolic poisoning after drinking it. Her doctor's evidence was that he thought the wife had acute gastritis, until he examined the lemonade, which smelt of carbolic. The husband's claim included six weeks' wages (at £2 a week) in respect of a clerk employed to do his wife's work. The defendants denied the allegation that they had not taken reasonable care in cleansing the bottle, their evidence being that a bottle smelling of carbolic would be smashed, and that it was impossible for a bottle to leave the washing machine with such a smell. His Honour Judge Dumas found that the bottle, having been returned to the first defendants in a contaminated condition, had not been smashed—by reason of their negligence. Judgment was therefore given in favour of the wife against the first defendants for £60 and costs, and in favour of the husband against the second defendant for £30 and costs. Compare the "snail in the bottle" case, i.e., *M'Alister or Donoghue* v. *Stevenson* [1932] A.C. 562.

Mr. Charles Mallord William Turner, retired solicitor, of Kensington, left £36,553, with net personalty £36,410.

Land and Estate Topics.

By J. A. MORAN.

The holiday atmosphere at the London Auction Mart is now only a memory. There is plenty of property, of a varied character, on offer; and competition, especially for freehold ground rents, is up to a good average. Both speculators and investors are making the most of their opportunities. Some of them expect to make a good return on their capital before long; and others are content to hold on until their hopes, based on a long experience of the market, are justified. The majority of the latter confine most of their attention to ground rents and old houses that are available for reconstruction in accordance with the needs of the neighbourhood; and the persistence with which they continue to carry on, goes to show that the result of their enterprise is on the right side.

The auction of freehold ground rents, amounting to a total of £12,097 per annum, and secured on a portion of the Berners estate on the north side of Oxford-street, although fixed for 22nd November, is already attracting much attention, and I shall not be surprised if many of the securities change hands before the public proceedings. There are thirty-six lots, ranging from £25 per annum to £2,625 per annum, and in some instances the reversions are under thirty years. It is worthy of special note that the ground rents are covered over five times by the assessment values alone. This is an auction that should appeal to private investors, and the large trust property and insurance companies, as well as firms that have superannuation and pensions funds to invest. The auctioneers are Messrs. Leslie, Marsh & Co.

One hears a lot now of the word "amenities"; it certainly means much to the property or owner when he finds all his comfort disturbed by the erection, close at hand, of unsightly flats, or so-called bungalows, with gardens divided by concrete posts that remind him of a cattle mart. Under such circumstances one, naturally, expects to obtain a reduction in the rateable value, but, as often as not, the appellant is disappointed. Some local rating authorities are sympathetic, and some are not; and it is well for those who are buying now to make sure that any new development in the immediate locality is not at all likely—or, better still—that there are restrictions ensuring the development of the adjacent district on the right lines.

I happen to know a man who purchased, right out, one of those seductive suburban villas that appear to rise up in a night. Before the contract was signed he found it necessary to exchange his War Savings certificates into cash, but before he got his money he had a reply from the Post Office; his signature, he was informed, bore no sort of resemblance to his previous signature and was asked how to account for the discrepancy. The only reason he could give was that the first signature was written with a post office pen! He got the cash by return.

Now that the housing shortage is not so acute as formerly, speculative builders continue to make a big show for supremacy. At Ashford, in Middlesex, those in quest of residential accommodation are asked to "live on an estate that will provide protection for your dependents in the future. A bomb and gas-proof dug-out, now in course of preparation, will offer safety to any resident." Will it? That is the question. I am sure there are many people like myself who do not like to be tied up when bombs are about. Give me a spot in an open field where I'll be able to commune with my own thoughts and not be distracted with children howling and old women's lamentations.

Mr. Jenner, of Watling Avenue, Burnt Oak, is a man of courage. One day recently he told the members of his local rating committee, after they had turned down his application for a reduction in his assessment, what he thought of them. He had never, he shouted, met such a "wooden-headed lot of people" in his life. What I thought of a rating committee

on another occasion was of a different, and certainly more forcible blend, but I lacked the necessary courage to share them with the fellows in front of me.

Five years ago much of the property at West Wycombe, in Buckinghamshire, was condemned. To-day it is a perfect example of the seventeenth century village in a setting of gloriously wooded hills—almost at London's doorstep—all due to the intervention of the Royal Society of Arts and the National Trust. This is something for local authorities all over the country to ponder on. There is at present too much inclination to judge a house by its age, and if proper inquiry were made, it would be found that many habitations included for demolition could be made reasonably comfortable and habitable after a comparatively small outlay.

Correspondence.

[*The views expressed by our correspondents are not necessarily those of* THE SOLICITORS' JOURNAL.]

Dissolution of Marriage.

Sir,—A practice which is increasing, and which seems extremely undesirable, has come under our notice.

A and B, British subjects, married in England, and were domiciled in England.

A, the husband, deserted his wife about two years ago, and has not since kept her. A was anxious that B, his wife, should divorce him. She objected.

This year A, the husband, spent a few days in Riga. Whilst there he filed in the Riga District Registry a petition for the dissolution of his marriage on the ground of the "disruption of the marriage and no continuance of the married life being possible." A also consented to B having the custody of the children, which he had left with her when he deserted her.

The petition asks—(1) to dissolve the marriage celebrated at (so and so) between A and B, independently of the guilt of any of the parties; (2) to leave the children born in wedlock in the custody of their mother; (3) to hear the case in the absence of the husband, and in the case of absence of the wife to give a decree for non-appearance.

To the petition is attached a copy of a power of attorney authorising a lawyer at Riga to conduct all matters relating to the petitioner's divorce case. To the power of attorney is affixed a notarial certificate which states that "A was domiciled in Riga, was hitherto unknown to the Notary, but he legitimated himself by producing a British passport issued by the Foreign Office in London, No. (so and so), approved with a visa of the Latvian Legation in London, and he, the notary, attested that the document was signed by the petitioner himself to whom Art. 137 of the Notarial Act was explained."

Attached to the petition is a copy of the certificate of marriage in English language and (presumably) in Russian, the like certificates of the births of the children.

This document, with elaborate stamps and seals upon it, was served upon B, the wife, by a well-known firm of process servers in London.

We are informed by the Latvian Legation that such cases of dissolution of marriage are becoming quite common, and it is unnecessary for the petitioner to be either domiciled or living in Riga so long as he is there at some time, for the presentation of the petition. Further, that after decree of dissolution has been pronounced there British subjects, the parties, have re-married in England, relying upon such decree and that no prosecutions for bigamy have, in fact, taken place in respect of any of these re-marriages.

Does not this open an alarming state of affairs?

SPENCER, GIBSON & SON.

Queen-street, E.C.4.
7th September.

Obituary.

MR. J. DE HART.

Mr. John de Hart, Barrister-at-law, formerly Solicitor-General for the Gold Coast, Accra, died in a nursing home on Monday, 24th September, at the age of forty-five. Educated at St. Paul's and Wadham College, Oxford, he was appointed Assistant Colonial Secretary of Sierra Leone in 1913. He was called to the Bar by the Inner Temple in 1919, and was appointed a District Commissioner in 1920, Senior Crown Counsel in 1921, and Acting Solicitor-General in 1922. In 1927 he was transferred to the Gold Coast as Solicitor-General.

MR. W. H. BROWN.

Mr. William Henry Brown, solicitor, head of the firm of Messrs. W. H. Brown, Son & Holloway, of Bristol, died at Newquay on Monday, 24th September. Mr. Brown was admitted a solicitor in 1875. He was for some years a member of the Gloucestershire County Cricket Club.

MR. L. J. FULTON.

Mr. Leonard Jessopp Fulton, M.A., B.C.L. (Oxon), solicitor, a partner in the firm of Messrs. Park Nelson & Co., of Essex-street, Strand, W.C., died on Friday, 21st September, in his fifty-sixth year. Mr. Fulton, who was the eldest surviving son of the late Sir Forrest Fulton, was admitted a solicitor in 1903.

Books Received.

Glen's Law Relating to Unemployment Assistance. By E. BRIGHT ASHFORD, B.A., of the Middle Temple, and South-Eastern Circuit, Barrister-at-Law, assisted by ALEXANDER P. L. GLEN, Solicitor of the Supreme Court. 1934. Demy 8vo. pp. xii and (with Index) 176. London: Law and Local Government Publications, Ltd. 5s. net.

Limey Breaks In. By JAMES SPENSER. 1934. Demy 8vo. pp. vii and 305. London: Longmans, Green and Co. 10s. 6d. net.

The Balance Sheet as Literature. By F. J. B. GARDNER, M.C., F.C.A. 1934. London: Gee & Co. (Publishers), Ltd. 6d. net.

A Reconsideration of Auditing Methods. Some Suggestions for Meeting Modern Conditions. By STANLEY W. ROWLAND, LL.B., F.C.A. 1934. London: Gee & Co. (Publishers), Ltd. 6d. net.

Stock Exchange Practice. By the late S. LAKING. 1934. London: Gee & Co. (Publishers), Ltd. 9d. net.

Income Tax Law and Practice. Seventh Edition, 1934. By CECIL A. NEWPORT, F.C.R.A., Corporate Accountant, and RONALD STAPLES, F.S.S., Editor of "Taxation." Demy 8vo. pp. xxxiii and (with Index) 360. London: Sweet & Maxwell, Ltd. 10s. 6d. net.

The Law of Distress. By J. P. EDDY, of the Middle Temple, Barrister-at-Law. 1934. Crown 8vo. pp. xvi and (with Index) 135. London: Sweet & Maxwell, Ltd. 6s. net.

The Law of Arbitration and Awards in a Nutshell. By J. A. BALFOUR, of the Middle Temple and the South-Eastern Circuit, Barrister-at-Law. 1934. Demy 8vo. pp. v and (with Index) 127. London: Sweet & Maxwell, Ltd. 6s. net.

The Law and Practice relating to Letters Patent for Inventions. By THOMAS TERRELL, K.C., and Sir COURTNEY TERRELL, of Gray's Inn and the Middle Temple, Barrister-at-Law, Chief Justice, Patna, India. Eighth Edition, 1934. By J. REGINALD JONES, Barrister-at-Law, of Gray's Inn and the Middle Temple, and of the South Wales Circuit. Royal 8vo. pp. xlvi and (with Index) 678. London: Sweet and Maxwell, Ltd. £3 3s. net.

POINTS IN PRACTICE.

Questions from Solicitors who are Registered Annual Subscribers only are answered, and without charge, on the understanding that neither the Proprietors nor the Editor, nor any member of the Staff, is responsible for the correctness of the replies given or for any steps taken in consequence thereof. All questions must be typewritten (in duplicate), addressed to the Editorial Department, 29-31, Breams Buildings, E.C.4, and contain the name and address of the Subscriber. In matters of urgency answers will be forwarded by post if a stamped addressed envelope is enclosed.

Fi. fa. and Reputed Ownership.

Q. 3045. I act for a firm on whose instructions I issued a writ on which judgment was obtained, and a writ of *fi. fa.* was issued, and the sheriff entered into possession of the defendant's property. The defendant then filed his petition. My clients have suffered rather severely through the possession order and disposition clause as applied to goods on sale or return in stock at the time of the bankruptcy. In this particular case it appears that certain goods have been moved which the debtor held on sale or return subsequent to the bankruptcy, and my clients are now informed by the Official Receiver that owing to the fact that the sheriff's officer was in possession at the time the receiving order was made, the possession order and disposition clause is not operative. I shall be glad if you can refer me to the authorities on which the Official Receiver bases his contention, because it would appear to be entirely anomalous that simply through the fact that my clients have taken certain steps to recover moneys due to them, they have thereby effectually released for the benefit of other creditors goods which in ordinary circumstances would pass under the possession order and disposition clause to the Trustee in Bankruptcy.

A. The authority for the Official Receiver's contention is *Fletcher* v. *Manning* (1844), 12 M. & W. 571. Although the position appears anomalous, in fact the goods are no longer in the debtor's possession (once they are seized by the sheriff) and still less are they in the debtor's order or disposition. The question of whether they are in his reputed ownership (within the Bankruptcy Act, 1914, s. 38) therefore does not arise, and the Official Receiver is correct in releasing the goods to the true owner, to the detriment of the general body of creditors.

Trustee for Sale—Mortgage by Trustees and Beneficiaries—Subsequent Sale.

Q. 3046. A was the owner at the time of his death of certain property, and by his will dated 21st March, 1908, gave the whole of his estate to be divided between such of his sons as should be living at his death in equal shares. A died on the 27th February, 1911, and his will was duly proved by his trustees. One of the testator's sons died on the 9th December, 1915, and letters of administration to his estate were granted to his widow. On the 27th February, 1928, the property in question was mortgaged to a building society and the parties to the deed were the trustees, the surviving sons, the widow of the deceased son, and the society. The deed contained a recital that the widow had no claim against the estate as she had previously been paid out. Another of the testator's sons died in 1933 and probate of his will was duly granted to his widow. The mortgage to the building society has now been repaid by the surviving sons and the property has been sold. Who should be made parties to the deed? The testator's will contained a trust for sale and conversion.

A. An assent by the executors of A to the devise to themselves as trustees would be implied. It is presumed that by endorsed receipt or otherwise the mortgage has become vested in the surviving sons who repaid the money. Section 23 of L.P.A., 1925, protects a purchaser from trustees for sale until the land has been conveyed to or under the direction of the beneficiaries. Although the definition of "convey" includes mortgage, unless the context otherwise requires, it is not considered that a mortgage, even with the concurrence of the beneficiary, displaces this right of the trustees to exercise the trust for sale unless the mortgage was in such terms as to indicate that the beneficiaries had elected to take the land as land. Consequently the opinion is given that a conveyance by the trustees with the concurrence of the persons in whom the mortgage is vested, who on the assumption stated would be the surviving sons, would be all that could be required. If, on the contrary, the mortgage indicates there has been an election by the then surviving sons to take the land as realty appropriated to them, then the executrix of the son who died in 1933 should be joined. The legal estate in fee obviously remains in the trustees.

Industrial Society Registration Cancelled.

Q. 3047. A club registered under the Industrial and Provident Societies Acts, 1893 to 1913, having got into difficulties, closed down, and its registry was at its own request cancelled by the Registrar of Friendly Societies, in consequence of which the club became an unregistered society and "ceased to enjoy the privileges of a registered society, but without prejudice to any liability incurred by the society, which may be enforced against it as if such cancelling had not taken place." The club premises were mortgaged to the bank, the account being also guaranteed by certain members of the club. A purchaser for the mortgaged premises has now been obtained, but doubts have arisen as to how the property can be conveyed. The club has not been wound up, and information is desired as to whether as an unregistered society it can give a good title to the property. The bank would co-operate, but their security is under hand only, and does not give them power to sell and convey the legal estate. Apparently they can only convey under order of court, unless the club can still give them a legal mortgage under the undertaking contained in the memorandum of deposit under which mortgage the bank could then sell if necessary.

A. It appears clear that the words "without prejudice," etc., which are taken from s. 9 (5) of the Act of 1893 entitle the bank to require the society to implement its undertaking by executing a legal mortgage. If this is not so, the words appear to be meaningless. An agreement to execute a legal mortgage may be "enforced" by a decree for specific performance (*Hermann* v. *Hodges* (1874), 16 Eq. 18), and what the court can enforce the society must be able to do without decree. Anyway, the present writer would accept a title based on such a mortgage, the original memorandum of charge, of course, remaining in the title. With suitable provisions the bank could then sell as mortgagee after a very short interval, but if there were a surplus it would apparently have to keep this until there was a proper winding up. In *Re Grosvenor House Property, etc.*, (1902), 71 L.J. Ch. 748, it was held that a building society whose registration had been cancelled could, nevertheless, be the subject of a winding up order by the court, and it is considered this applies to industrial societies. It is not clear, however, whether a *voluntary* winding up under s. 58 is a "privilege" which ceases on cancellation, but it would not be wise to rely on a voluntary winding up. If the bank does not wish to act, the guarantors can, of course, discharge the account and claim a transfer of the security.

To-day and Yesterday.

LEGAL CALENDAR.

24 SEPTEMBER.—Sir William Garrow died at his house near Ramsgate on the 24th September, 1840, being then eighty years old. He had lived nearly eight years in retirement, having previously served for nearly fifteen years as a judge of the Court of Exchequer. On the Bench his powers were not conspicuous, for he had little law, but at the Bar he had displayed nothing short of genius in advocacy, particularly in criminal cases. Success came to him in the first year after his call, and he rapidly gained one of the foremost positions at the Old Bailey.

25 SEPTEMBER.—Sir John Bo anquet died at the Firs, Hampstead Heath, on the 25th September, 1847, at the age of seventy-four. He had sat as a Justice of the Common Pleas from 1830 to 1842. Upon the resignation of Lord Chancellor Lyndhurst in 1835, he had been appointed one of the Commissioners of the Great Seal. He was at the head of the Commission for the Improvement of the Practice and Proceedings of the Common Law Courts, and when the Duke of Athol resigned the sovereignty of the Isle of Man, he arbitrated on the amount of his unsettled claims.

26 SEPTEMBER.—On the 26th September, 1877, Louis Staunton, Patrick Staunton and his wife and Anne Rhodes were sentenced to death at the Old Bailey, having been found guilty of the murder of Harriet Staunton, the wife of the first prisoner. Though it was nearly midnight, a crowd waited outside the building and cheered the verdict. The medical evidence, however, admitted of a good deal of doubt, a point which Mr. Justice Hawkins had brushed aside in his summing up. As the result of a declaration signed by 400 doctors, the death penalty was remitted. It was his summing up in this case that earned the judge the title of "Hanging Hawkins."

27 SEPTEMBER.—Lord Keeper North was raised to the peerage as Baron Guilford on the 27th September, 1683, an honour which he was destined to enjoy for less than two years. He had held the Great Seal only for a little while, but the weight of the responsibility had allowed him no happiness. His health had already given way when, early in 1685, Charles II died. Of the new king he sought permission to resign, but his desires were overruled and he continued to discharge his duties with zeal and diligence. The effort was too much for him, and at the end of the summer he died.

28 SEPTEMBER.—Sir Thomas Englefield, a Justice of the Common Pleas, died on the 28th September, 1537. On his grave at Englefield was placed a brass memorial of him in his judicial robes. His family derived its name from the Berkshire town where it had held property since before the Conquest. There was law in his blood, for one of his ancestors, William de Englefield, had been a judge under Henry III, and his father had been Justice of Chester. He himself filled judicial office for over ten years, and was also at the same time Master of the King's Wards.

29 SEPTEMBER.—On the 29th September, 1683, Sir George Jeffreys succeeded Sir Edmund Saunders as Chief Justice of the King's Bench.

30 SEPTEMBER.—On the 30th September, 1502, Serjeant Frowyk was appointed Chief Justice of the Common Pleas, the youngest man ever to fill that office, for he was not yet forty when he died four years later "*in florida juventute sua*," as Keilway's Reports record, having gained the reputation of an "oracle of the law." He was buried in the Church of Finchley. He was originally a member of the Inner Temple, leaving it when he took up the degree of Serjeant-at-law at the end of Trinity Term, 1494, being then a young man of about twenty-eight.

THE WEEK'S PERSONALITY.

When Sir George Jeffreys became Lord Chief Justice of England in 1683, he was a young man of thirty-five. He wore the SS collar for just two years before he was elevated to sit upon the Woolsack and to be the Keeper of the conscience of King James II. In those two years, he condemned Algernon Sydney and Titus Oates and, after the Duke of Monmouth's rebellion, went on circuit in the Western counties, dealing with the rebels in such a way as to provide his enemies with deadly material for blackening his character. No judge has been more vindictively assailed than Jeffreys. Burnet wrote: "All people were apprehensive of very black designs when they saw Jeffreys made Lord Chief Justice, who was scandalously vicious and was drunk every day, besides a drunkenness of fury in his temper that looked like enthusiasm . . . He was not learned in his profession and his eloquence though viciously copious was neither correct nor agreeable." Yet in recent times, impartial historians have dissipated many of the accusations against his personal character and even a Whig and his contemporary, Sir Joseph Jekyll, Master of the Rolls, admitted that he was "an able and upright man" and "a great Chancellor." Lord Birkenhead reviewing his decisions, says that "they justify the contention that both at law and in equity his conclusions do not differ markedly from those of judges against whose legal knowledge no criticism has been urged."

MURDER WITH NO BODY.

A recent trial at the Old Bailey, when a father was convicted of the murder of his child, although the body had not been found, recalls the classical case of the Perrys, hanged for the murder of William Harrison, Steward of Lady Camden. One night, in 1660, Harrison had vanished after collecting some rents. John Perry, his servant, sent out to look for him, only came back next morning, and later gave a very suspicious account of his movements. Nothing was found but the battered hat and bloodstained band of the vanished man. The justices inquired into the matter and, in the end, John gave a very circumstantial account of how his mother and brother had waylaid, robbed and murdered Harrison. He also declared that an unexplained robbery at his master's house, the previous year, was the work of his brother, and confessed that a story he himself had given out, that he had been the subject of a mysterious attack by two men, was only a blind in preparation for a robbery. However, at the next Assizes, Sir Christopher Turner refused to try the case because no body had been found.

THE DEAD RETURNS.

At the following Assizes, however, the indictment was proceeded with before Sir Robert Hyde. By that time John had thought over the position. He took back his confession and declared that he was mad when he made it. Nevertheless, all three prisoners were convicted and hanged, the mother first and John last. At the gallows he was dogged and surly, telling the bystanders that he knew nothing of his master's death, but that they might hereafter possibly hear the truth. So far so good. Justice seemed satisfied in all the circumstances. Then, some years later, Harrison re-appeared alive and well with a fantastic story that he had been kidnapped by strangers, sold to a sea captain for £7, re-sold to the Turks, made the slave of an old physician in Smyrna, escaped on the death of his master and reached Lisbon as a stowaway, getting back to England by the providential help of an English stranger. This cock and bull story is really no more credible than the inventions by which John Perry put his head in the noose. But why did they all lie so complicatedly? What really happened on that night?

Mr. William Elliott Snow, solicitor, of Great St. Thomas Apostle, E.C., and of Effingham Park, Crawley Down, left £79,463, with net personalty £65,623.

THE LAW SOCIETY AT NEWCASTLE-ON-TYNE.

ANNUAL PROVINCIAL MEETING.

[By our Special Representative.]

The Fiftieth Provincial Meeting of The Law Society was held at Newcastle-on-Tyne from the 24th to the 27th of September, under the Presidency of Mr. Harry Rowsell Blaker. The following Members of Council were present: Mr. Reginald Armstrong (Leeds), Mr. D. L. Bateson (London), Mr. W. A. Coleman (Leamington Spa), Mr. W. C. Crocker (London), Mr. F. J. F. Curtis (Leeds), Mr. D. T. Garrett (London), Mr. W. W. Gibson (Newcastle-on-Tyne), Mr. H. C. Haldane (London), The Rt. Hon. Sir Dennis Herbert, K.B.E. (London), Mr. R. F. W. Holme (London), Mr. A. M. Ingledew (Cardiff), Mr. F. H. Jessop (Aberystwyth), Mr. P. R. Longmore (Hertford), Mr. C. G. May (London), Mr. W. E. Mortimer (London), Sir Charles Morton (Liverpool), Mr. W. R. Mowll (Dover), Sir Reginald Poole (London), Mr. G. S. Pott (London), Sir Harry Pritchard (London), and the Secretary, Sir Edmund Cook (London).

On Monday evening the Lord Mayor of Newcastle-on-Tyne, Mr. J. Leadbitter, and the Lady Mayoress, supported by the Sheriff and the Lady Sheriff (Alderman and Mrs. W. Locke), received the President, Council and members at the Laing Art Gallery. After the reception the Lord Mayor offered a formal civic welcome to the guests. He remarked that it was a long time since The Law Society had visited Newcastle in 1909. Laymen, who were sometimes puzzled to understand the phraseology of Acts of Parliament, had great respect for lawyers, but even lawyers seemed a little puzzled sometimes at applying statutes. He expressed great pleasure in welcoming members and their wives, and hoped that their stay would be a pleasant one and the weather congenial, and that their deliberations would result in the further progress of their Society.

The President, in reply, said he felt as though the last visit of the Society must have happened before he was born. He hoped that another twenty-five years would not elapse before the next visit. All members appreciated the warm welcome which the Lord Mayor had given them, and the fine reception they were receiving. Solicitors from all parts of the country appreciated the hospitality of their colleagues in Newcastle. It was the right of freemen of the city to pasture cattle on the Town Moor; he would be interested to see if these cattle were better than those of his own Thames-side pastures. Northumbria was indebted to the Romans for its Great Wall. Solicitors were indebted to them for a great part of their law, and also for the word "cliens." The Lord Mayor, in inviting the guests to make themselves free of the Museum and of the City, begged them to use what influence they had to secure that the sister ship of the giant Cunarder 534 should be built on Tyneside.

The Banquet was held as usual on the Tuesday evening, in the Old Assembly Rooms, and the Annual General Meeting of the Solicitors' Benevolent Association on Wednesday morning. On Wednesday afternoon the Sunderland Incorporated Law Society entertained visitors at Durham, showing them the Cathedral and Castle. Other members were shown the sights of Newcastle by the local Committee. They saw the old keep of the Norman Castle which gives its name to the town; St. Nicholas's Cathedral with its famous lantern spire; the Swing Bridge and Stephenson's High Level Bridge. A party made a trip down the Tyne on a launch belonging to the River Tyne Commissioners, and saw the great shipyards of Walker, Elswick and Jarrow, and the magnificent harbour works at Tynemouth. On Wednesday evening the Newcastle-on-Tyne Society entertained members to a reception and dance at the Old Assembly Rooms, and on Thursday two motor excursions set out, one to the famous Roman Wall inland and the other northwards to the sea coast at Bamburgh and to Alnwick, the home of the famous house of Percy, the great defender of Northumbria against the Scots in the Middle Ages.

The Business of the Meeting.

On Tuesday, the 25th September, members gathered in the Old Assembly Rooms, at 10.30 a.m., and Mr. W. W. Gibson, President of the host society, welcomed the President, Council and members heartily on its behalf. He hoped that they would realise that Newcastle was not in Scotland. There was no finer county in England than Northumberland for scenic beauty, and historic and antiquarian interest. The Cathedral in its magnificent setting was a poem in stone. He recalled the Provincial Meeting of 1909 in that very room, at which Sir Edmund Cook had, he believed, made his first appearance as Secretary of the Society. One of the honorary secretaries of the Newcastle Society then had been Mr. Robert Pybus. Although Mr. Pybus was now approaching his ninetieth year, he was still in practice and would take part in the festivities. All members would wish to offer him their congratulations.

Mr. Harry Rowsell Blaker, the President, after a brief word of thanks, delivered his address. He said that the hospitality of the Newcastle Law Society, one of the oldest in the Kingdom, enabled solicitors from the South of England to meet their colleagues in the North, especially Mr. W. W. Gibson, a Member of Council and President of the Newcastle Society. Southern members had the greatest admiration for the courage with which the people in the North continued to face their difficulties. After deploring the loss to the Society of Sir Robert Dibdin, Sir Robert Welsford, Sir Arthur Peake and Mr. William Woodhouse, he congratulated the retiring President, Sir Reginald Poole, on his appointment as a Knight Commander of the Victorian Order, and the Secretary on his knighthood. He outlined the steps which the Council had taken to combat touting and undercutting, and appealed to solicitors to refrain from such practices for the sake of their clerks, whom they could not properly remunerate if they themselves were not being adequately paid. He also appealed for the better remuneration of solicitors who carried out conveyancing work for building societies. He touched briefly and lucidly on almost the entire range of the problems which at present confront the Council—Education, unqualified practice, the Solicitors' Rules, land registration, moneylenders, the Business of Courts Committee, the Lord Chancellor's Committee on the revision of legal doctrines, Poor Persons' Procedure, and the benevolent activities of the Society.

The first paper read was by Mr. William McKeag, M.P. (Newcastle-on-Tyne), on "The Evils of Legislation by Regulation." Echoing a recent presidential address, he recommended a substantial diminution in the present flood of statute law, which he ascribed to an insensate desire to legislate about anything and everything. He considers that any Bill presented to Parliament should contain all the provisions that it seeks to enact, instead of leaving them to be dealt with by regulation. His third suggestion went to the root of the whole trouble; to abolish what he described as the "Henry VIII clause," which empowers the Minister to remove by Order any difficulty arising in the application of the Act, or to do anything which appears to be necessary to bring all its provisions into operation. The practice of legislating by reference should, he considers, be reduced to an absolute minimum, and each Bill should be submitted to a small Select Committee of the Commons. His paper put into articulate form the indignation and despondency felt by most lawyers at the present trend of legislation, and met with cordial, if rather helpless, agreement.

Mr. E. T. L. Baker, M.A. (Cambridge), read an instructive summary of the Land Drainage Act, 1930, and explained the representative functions of the Catchment Boards, the internal Drainage Boards, and the local authorities.

Insurance and Road Accidents.

Mr. Barry O'Brien (London), with all his usual fire and eloquence, gave instances of anomalies in the working of the Road Traffic Acts, 1930 and 1934, with special reference to insurance. The chief difficulty, he stated, was the secrecy which the law permits between the insurance company and the assured. He considers that the insurance companies are given too much favourable consideration and are too easily able to repudiate a contract under which they have benefited for years. His theme was taken up on Wednesday morning by Mr. Sebag Cohen, LL.B. (Sunderland), in a paper on "Defects in the Law of Third-Party Insurance." Mr. Cohen especially underlined the serious risk which a motorist incurred by reason of the proviso which is inserted in practically every motor policy throwing back on the assured the ultimate liability for any moneys paid by the insurer to third parties under s. 38 of the Act of 1930. By the 1934 Act, he pointed

out, a motorist may be liable to reimburse the insurer even though there is nothing to this effect in the policy. He advocates a change in the law to provide that a motorist shall not incur this liability unless his policy carries an adequate warning.

Reform in Procedure.

Mr. C. L. Nordon, LL.B. (London), in a critical paper on "Judicial Dispensation," advocated a number of procedural reforms. Copies of the relevant documents should, he holds, be delivered with the pleadings to the registrar, and the parties should deliver to each other and the judge a list of the statutes and decided cases on which they intend to rely. Evidence in chief should be available in writing before trial, and the only steps to be taken in open court would then be cross-examination, argument, and addresses. The client should not be compelled to rely on a devil, and no case should be started unless there is a full half-day available for it. His suggestions were somewhat severely criticised by Sir Reginald Poole and Mr. D. T. Garrett.

Mr. Philip Frere (London), in his paper on "Appeals in English Law," revealed a state of chaos which must have surprised even solicitors with long practical experience. He congratulated Mr. R. S. Turton, M.P., on his successful conduct through the House of the Summary Jurisdiction (Appeals) Act, 1933, and pressed for the execution of the whole of the second report of Lord Hanworth's Committee, which would abolish the Divisional Court and amalgamate the Court of Appeal and the Court of Criminal Appeal. He did not, however, approve of the suggestion to abolish the Lords Justices. He again urged the reform by which disputed points of law could be settled by the higher tribunals without expense to a litigant.

The Ecclesiastical Courts.

On Wednesday morning Mr. Robert C. Nesbitt (London) read a paper on "The Reform of the Church Courts," suggesting the transfer of the jurisdiction of the Consistory Court—except for the granting of faculties and questions of ritual and doctrine—to the court established by the Benefices Act, 1898, consisting of the Archbishop of the Province and a judge of the Supreme Court. Appeals from the Consistory Court should, he thinks, be to a court consisting of three judges—two diocesan Chancellors with the Dean of Arches or Official Principal—with a final appeal to the Judicial Committee. With the Stiffkey case in mind, he made the wise suggestion that reports of all similar cases should be restricted in the same manner as reports of matrimonial proceedings under the Act of 1926.

Mr. Hilary Noble (London), in delivering some "Comments on Company Law," pleaded for better definition of the rights of preference shareholders and the protection of debenture-holders, and especially for a provision which would prevent a company being slowly bled to death through the payment of debenture interest out of capital. He spoke strongly against the practice by which some chartered accountants settle memoranda and articles of association from a common form without the advice of a solicitor. He also held that the profit and loss account should contain particulars of investments, directors' fees and depreciation.

The President's Address.

Mr. Harry Rowsell Blaker, the President, delivered the following address:—

It is a great pleasure to me that the Fiftieth Provincial Meeting of The Law Society should occur in my year of office as President, and also that it should be held at the old and historic City of Newcastle-upon-Tyne, and our hosts should be members of one of our oldest Law Societies, the Newcastle Society having been established in the year 1826. It gives us Solicitors from the South of England an opportunity of meeting our fellow members of The Law Society in the North, and of seeing our colleague on the Council, Mr. W. W. Gibson, in his own home town, and acting as your President. Are we not indebted also to your City for Michael Clayton, our first President under the Charter of 1845, whose father, Nathaniel Clayton, founded your own President's firm, and whose brother John was the owner of the Chesters Estate, which included the Roman Camp of Cilurnum and the Fort at Housteads, a visit to which is one of the excursions you have so kindly arranged. We all know and value the hospitality of our Northern friends which we have so much pleasure in accepting and they in offering. We in the South, though times have been hard, have not, I think, suffered so much as you in the North of England, and we all have the greatest admiration for the courage and determination with which the people in the North have faced, and are still facing, their difficulties.

The last time The Law Society had the opportunity of accepting the invitation of the Newcastle-upon-Tyne Law Society was in the year 1909, when Sir William Howard Winterbotham (then Mr. Winterbotham), the Official Solicitor, was our President. He died some years ago, but I had the pleasure of serving on the Council of The Law Society with him during his late years.

Since the last Provincial Meeting, a year ago, at Oxford, when my own Society, the Berks, Bucks and Oxfordshire Incorporated Law Society had the honour of acting as our hosts, the Council have suffered severe losses, three of our past Presidents and one valuable member having died.

Sir Robert William Dibdin died in November at the advanced age of eighty-five years. He was a member of the Council for over twenty-four years, and was President in 1923/4, when the Provincial Meeting was held at Plymouth. During his term of office he took a prominent part in connection with the visit of the American and Canadian Bar Associations, and was subsequently knighted for his great services to our profession. He was held in the utmost esteem and affection by all his colleagues on the Council and up to almost the day of his death was a constant attendant at all the meetings of the Council and the Committees on which he served. Notwithstanding his great age he always attended these Provincial Meetings and only a very short time before his death he told me how he was looking forward to his visit to Newcastle, and to supporting me by his presence here. We have lost in him a very dear old friend.

Sir Robert Mills Welsford died in December last after some months of illness. He was for over twenty-three years a member of the Council and President in 1928/9, when the Provincial Meeting was held at Eastbourne by invitation of the Sussex Law Society. He did most valuable work on the Council and besides serving on various Committees was for some years Chairman of the Legal Education Committee. Shortly before the period of his Chairmanship the present scheme of legal education was established under the Solicitors Act, 1922, and he had much to do in association with various Universities and Provincial Societies with the provision of additional Law Schools.

Sir Arthur Copson Peake practised in Leeds, where, until a short time before his death, he was Clerk of the Peace for the City. He was a member of the Council for twenty-six years, being President in 1922/23 when the Provincial Meeting was held in Leeds. He was Honorary Secretary of the Leeds Law Society for twenty years and served as President twice. He also served as Honorary Secretary and President of the Yorkshire Union of Law Societies and was Chairman of the Associated Provincial Law Societies in the year 1920. He was a great Yorkshireman and had all the characteristics of his county.

In addition to these Past Presidents of the Society, the Council suffered a great loss by the sudden death of Mr. Walter Mantell Woodhouse, who died suddenly in January of this year, having been present the day before at a Council Meeting. He had been for some years a member of the Council and did most valuable work, especially as a member of the Professional Purposes Committee, of which he was a most genial and popular member.

I am sure you will have all seen with great pleasure the honour which has been conferred on Sir Reginald Poole, my predecessor in office as President, he being appointed a Knight Commander of the Victorian Order. Sir Reginald has presided over us with much skill, courtesy and prudence. Those of us who were present at Oxford last September will never forget the ability and charm with which he conducted our Meeting there.

The Honour of Knighthood which has been conferred on our great friend and Secretary, Sir Edmund R. Cook, has delighted every one of us. If any one has deserved this honour he has, and it is only a fitting recognition of the great and unselfish work he has done for our Society and the profession at large and through our profession to the public. The great advance in the influence of The Law Society in recent years is very marked and it is largely due to him. For twenty years as our Secretary he has rendered most devoted and efficient service to the Council and the profession in general, and both he and his wife, Lady Cook, who has supported him so well by her help and sympathy, and whose presence is so welcome at these Provincial Meetings, have well earned our most hearty congratulations and good wishes. May they live long to enjoy their honour.

At the Meeting at Oxford last September there was a long discussion on the subject of touting and undercutting, but it was doubted if the Council could do anything to stop these evils. However, for some months the Professional Purposes Committee have considered this most difficult subject, they have considered also the subject of solicitors sharing profit costs with unqualified persons. The Committee presented a report to the Council who adopted it and directed that a notice should be inserted on these subjects in the March

issue of *The Law Society's Gazette*, which no doubt you have all seen. In addition to the usual circulation among our members *The Gazette* was sent to those solicitors who are not members of our Society so that it should reach the notice of every solicitor.

It is most difficult actually to define touting and undercutting but the Council hope that the notice in *The Gazette* will have the required effect, as with the loyal support of all members of our profession the evil should cease.

The practice of undercutting and touting is one which should not be tolerated in our profession. It is not fair to those who avoid it and it is unfair on their clerks.

These clerks—there is no more admirable body than solicitors' clerks—cannot be properly remunerated for their services if work is done at less than an adequate charge. The effect of undercutting falls largely on their shoulders. I am sure all of us want to pay our clerks as much as we can afford, but how can we remunerate them sufficiently if a large proportion of our work is done on an unremunerative basis. Various Provincial Law Societies have a lower scale of minimum charges than those authorised under the Solicitors Remuneration Orders as no doubt the overhead charges of country solicitors may not be as high as those of solicitors practising in London. The Council in their report recognise this. I think that one of the results of undercutting is that some solicitors cannot pay their clerks a proper salary and accordingly some of these clerks, thinking that they will do better on their own account, become solicitors and start to practise on their own account in the hope that they will make a bigger income than they have been obtaining. To get work and build up a practice they take any work they can obtain at practically any fee, with the result that they are really in no better position than they were before. By this action, however, they reduce the income of other solicitors.

There is one other matter that bears on our costs, and that is the low charges which building and other societies and similar organisations call upon their solicitors to render. We all recognise the excellent work that these societies are doing, as it is a great help to the nation in enabling houses to be built not only for the working but for all classes. I desire that we should bear our fair share in encouraging this work, but I would ask the societies to reconsider some of the charges they expect to be made for conveyancing work, especially those in respect of the higher priced properties. The average income of solicitors and their clerks is probably less than that of many members of the societies, and they should not be asked to work for too low a fee. Work cannot really be properly done unless it is properly paid for. A Committee of the Council have had a most amicable interview with solicitors acting for some of the building societies, and I hope that something may be done to carry out some fair arrangement that will be of benefit both to us and to the societies.

I would like to refer to the work done by our members throughout England and Wales for Poor Persons. As you know a report of this work is issued every year by The Law Society and sent to the Lord Chancellor and other high officials. After the report of 1933 was sent, Sir Claud Schuster, the Lord Chancellor's Permanent Secretary, wrote to say how much satisfaction he had derived from noticing the excellent work that had been performed and that it was difficult to find a suitable word to express the gratitude which everyone must feel at the great work done by the profession. The Lord Chief Justice congratulated all concerned on the work that has been so well done and appreciated the magnitude of our task and the admirable spirit in which it has been and is being performed. The Master of the Rolls said that it was the record of a remarkable achievement for, in the course of a few years, the administration had covered a very wide area throughout England and Wales and had provided a system of bringing the law within the reach of persons who would be unable otherwise to obtain the relief that their cases demand. Sir Boyd Merriman (the President of the Probate, Divorce and Admiralty Division) after remarking that matrimonial cases formed the largest part of poor persons litigation, said that it is literally true to say that the service has practically removed the reproach that recourse to the divorce laws was open to the rich but denied to the poor; and the Attorney-General (Sir Thomas Inskip) said that a tremendous debt of gratitude was due for the valuable help that has been given and is being given to those in poor circumstances. This is, indeed, high praise from those who know what is being done by our profession, and I should like to thank, on behalf of the Council of The Law Society, those, both barristers and solicitors, who are helping in this great work which redounds to the credit of the legal profession. We could not carry on this work without the help of the members of the Bar. It shows clearly that members of both branches of the great legal profession are ready and willing to help those in poor circumstances and enable them to obtain justice which otherwise they would be unable to obtain.

This work is done—and for my part I hope it will continue to be done—entirely gratuitously. Solicitors who undertake it are really out of pocket by doing it, but they do not consider this. They want to help their poorer neighbours to get justice which otherwise they could not afford.

Not only do solicitors give their services in the actual conduct of cases but various Committees all over the country and in London give much time, thought and trouble in considering whether Certificates should be granted in these various cases and whether they come within the Poor Persons Rules. These Committees have to be most careful that these Certificates should only be given in proper cases.

It should be realised that sometimes a person sued by a poor person is not much better off financially himself. If a Poor Persons action is brought against him he knows that, even if he defends it successfully, he will have to pay his own costs and counsel's fees as they cannot, as a rule, be recovered against the poor person. This being so, it may be cheaper for him to settle the action though he is advised that he has a good defence to it.

On the other hand, of course, if the poor person succeeds, his opponent is in an equally good position as he in his turn will not have to pay the poor person costs and counsel's fees but only his own.

I do not in any way wish to depreciate Poor Persons work, as I am, and always have been, a warm supporter of it. I desire only to point out the great importance of the Committees going carefully into cases before granting Certificates and so avoiding the imposition of an unfair burden of litigation on the other party.

Though our profession possibly is becoming overcrowded, The Law Society has to all intents and purposes no power to refuse admission to anyone who has passed the qualifying examinations. The Society is unable to restrict the numbers of those who desire to become solicitors except by raising the standard of the Examinations so that fewer can pass in. This, however, is out of the question, as many who become most excellent members of our profession would be excluded and it is not always those who pass the best examinations who become the best solicitors. It has been suggested that the Examination Committee should interview all those who desire to enter the profession, or possibly require them to pass a *viva voce* Examination, but this would be impracticable and not a very satisfactory way of dealing with the matter as, though an interview might satisfy the Committee that some are not fit, there would be many others whom they could not exclude in this way.

I am not altogether satisfied that a written examination is the best way of deciding who shall be admitted as some candidates have what I might term an "examination brain" and can pass any examination, but these are not by any means necessarily the most fitted to become solicitors and give real help to the public.

It has been suggested to me that cases of hardship arise in respect of some of the candidates who are turned back, although if they were admitted they would have good family practices to take up when their fathers retire. They may have done fairly well in their examinations but through nervousness or not being good at written examinations they have not obtained quite the necessary marks to pass, but in all other respects would have made efficient solicitors. Some of these cases are mentioned to the Examination Committee and no doubt there are others of which we are not told. The suggestion has been made that in these hard cases the Examination Committee should be empowered to interview the candidates and give marks for character and other qualities and admit (subject to the approval of the Master of the Rolls) those on whom the failure to pass would create a real hardship. This suggestion has been carefully and sympathetically considered, but it is obvious it cannot be carried out. It is a most difficult subject.

Another matter which has had the careful consideration of the Council is to ensure as far as possible that only the properly educated persons should be admitted to our profession, and that they have been taught their professional work adequately. There are cases in which a young solicitor only just admitted and with very little practice takes an articled clerk and by this means gets in effect a clerk to whom he has to pay no salary and does not really have enough practice to teach the articled clerk his work.

The Council are promoting a Solicitors Bill, dealing in the main with legal education and have inserted in this Bill a clause that no solicitor shall without special leave in writing of the Council take an articled clerk until he shall have had in force for five consecutive years a duly stamped practising certificate. In proper cases this leave will no doubt be given,

but it gives to the Council power to deal with a solicitor whom they do not consider is in a position to take an articled clerk.

With the object of upholding the rights which solicitors have under the Solicitors Act, 1932, to prepare certain legal documents, and with the further object of protecting the public against the danger of unqualified persons preparing these documents and pretending to be solicitors, The Law Society are not infrequently instituting prosecutions. One of these was against an estate agent, who prepared a lease which should have been under seal, and the offender was fined by the magistrates. An appeal by him against his conviction was dismissed.

In connection with these matters representatives from our Council are in constant touch with the Council of the Auctioneers' and Estate Agents' Institute with a view to preventing members of their Institutes from preparing documents requiring legal skill. Like ourselves, the auctioneers appreciate the danger, and I should like to say how much we appreciate their co-operation.

A case in which we were not successful was where we prosecuted a company for pretending to be a solicitor, but it was held by the magistrate that a company could not be a solicitor and his decision was upheld on appeal. The Lord Chancellor, at the request of the Council, therefore promoted a Bill in Parliament prohibiting bodies corporate from purporting to act as solicitors, which became law on 31st July, and I hope, therefore, this evil will cease. The profession and the public owe a debt of gratitude to the Lord Chancellor for his prompt intervention.

At the Meeting last year at Oxford, Sir Reginald Poole, in his presidential address, made very kind remarks about the Provincial Societies and the good work done by them. In conjunction with the Associated Provincial Law Societies I am sure all we country solicitors very much appreciated what Sir Reginald said, especially as coming from a London solicitor. I can confirm with emphasis every word he said, as I know from personal experience what good work is done by the Societies. It can truthfully be said that the Provincial Societies are held in great regard by the whole Council of The Law Society and are relied on by them as giving much sound advice and guidance in many difficult and important matters which have to be dealt with by the Council. The Council realise that the Provincial Societies, representing and in close touch with so many solicitors throughout England and Wales, know the real needs of the profession and their difficulties, and they always attach great weight to any expression of opinion by them. This feeling is getting stronger every year. Much credit is due to Sir Charles Morton, whom I am glad to say is still an active Member of the Council, for the early work he did in bringing the provinces in such close touch with The Law Society, which work was carried on by his successor, the late Mr. W. H. T. Brown, of Liverpool, and is now being carried on by Mr. Holmes.

When the draft Rules under the Solicitors Act, 1933, were issued, the Council had most able advice from the Associated Provincial Law Societies, and most of the suggestions made by them were adopted and embodied in the Rules. When the Rules come into force on 1st January next the help of the Provincial Societies will be sought and will be of the greatest assistance to the Council, as knowledge of local conditions will be essential.

In the future, Provincial Societies will have more power in their hands. Hitherto, though local Societies may have known that practitioners in their district were getting into difficulties, they have been unable to do anything. But when the Rules come into force a local Society will be able to impart its knowledge to The Law Society so that it may be in a position to act if necessary.

These Rules will come into force on 1st January next, and, while it cannot be said they prevent a solicitor from being dishonest if he wilfully means to be so, they ought to prevent him from drifting into financial difficulties, and undoubtedly they will impress him with knowledge as to which is his client's money and which his own. The Rules may press hardly on those solicitors who have a good practice but not much capital of their own. They cannot under the Rules make payments for one client out of another client's money. They will be obliged therefore either to ask their clients for money on account to meet current disbursements which any reasonable client will be ready to pay, or else they will have to advance such disbursements out of their own money. It is altogether wrong that one client's disbursements should be paid by another.

I regret the necessity of the Act and Rules, and realise the obligations imposed by them on the many thousands of honest solicitors by the wrongdoing of so few. In view, however, of the sufferings caused by these few, and of the representations which were made to the Council, they had to do something, and it is surely better for them to have initiated the Act and Rules than to have had something worse thrust upon the profession from outside which would have created greater difficulties.

We all deplore the sad death of Mr. Roy Bird, M.P., who carried through the Solicitors Bill on our behalf with so much tact and skill.

Referring to the New Procedure, the rules are working well; so well that it may be more expeditious in the end to try under the old procedure if the new procedure list gets too long.

I think the time within which a defence can be delivered might be slightly extended. The plaintiff before he starts his action has the facts before him, but the time for a defendant to prepare his defence is too short, especially in agency matters. It takes a good deal of time, especially if there is more than one defendant to communicate with the country solicitors and secure that London agents get proper instructions.

You will recollect that s. 120 of the Land Registration Act, 1925, provides that a compulsory order for the registration of land in any county may be made after the expiration of ten years from the commencement of the Act. This period of ten years will expire on the 1st January, 1936, and the Lord Chancellor appointed a Committee under the chairmanship of Lord Tomlin to consider whether the procedure laid down by the Act for the making of compulsory orders is apt, and whether he should at the appropriate time take any preliminary steps, and if so, whether there is any particular area where circumstances render it peculiarly appropriate that a compulsory order should be made and whether Middlesex should be the first area selected.

The Council have considered the matter and have informed Lord Tomlin's Committee that they consider the procedure laid down in ss. 120 and 122 of the Act apt for the purpose for which it is designed. They have stated also that, if it is shown to be in accordance with the wishes of the public and for their convenience, an order might be made providing for registration in the County of Middlesex in view of the fact that such an order would render the Middlesex Deeds Registry unnecessary, and that a considerable portion of the county has been developed for building purposes. They have added, however, that so far as the Council are advised no expression of opinion in favour of compulsory land registration has been made, and that failing the spontaneous expression of a wish for compulsory registration in any county or county borough no order should be made until a sufficient time has elapsed for ascertaining the sufficiency of the scheme embodied in the Acts of 1925 and that registration could not be conveniently established throughout the country until there is in existence an up-to-date cadastral map, which would only be prepared and kept up at very great expense.

Two of the Members of the Council, Mr. Longmore, of Hertford, and Mr. Holmes, of Liverpool, have given evidence to the above effect before Lord Tomlin's Committee, and have rendered us valuable service in this matter.

It seems to me that if—but only if—the public desire registration of title, Middlesex is the most suitable county to which it should be extended.

Deeds relating to property in that county have already to be registered at the Middlesex Registry, which adds to the trouble of conveyancing in the old way. I think, however, if compulsory registration is established for the county, that the Land Certificate should show on the face of it whether there are any land or other charges or easements or overriding interests affecting the land, so that the Certificate will show the exact interest of the owner and the extent of his obligations.

The Land Registry under the guidance of Sir John Stewart-Wallace undoubtedly do their work efficiently and speedily, and I think the staff at the Registry would be able to cope with increased work if Middlesex becomes a registered county, but it is another matter if the system is to be adopted all over the country, and I do not consider the time is ripe for this yet, or that it should be adopted without a clear indication that compulsory registration is wanted by and will be a clear gain to the public.

Until a considerably longer period of time than ten years has elapsed it cannot be known definitely whether the old unregistered system of conveyancing or conveyancing by registration of title is the better and cheaper.

In this connection I should like to refer to two matters. First, as to searches in County and District Council registers for road and other local charges. It seems to me that all these charges should be recorded at the Land Registry, so that a search there should cover everything which affects the land. Money and time and anxiety would be saved by such a provision. I have reason to think that at all events in compulsory registration areas the Chief Land

Registrar would welcome the proposal, and I am encouraged to hope that at no distant date effect will be given to it in those areas. The other suggestion I desire to urge is that the scale of solicitor's costs in dealing with registered land should be raised at all events in the smaller transactions. The present scale is really not remunerative, and I shall endeavour during my year of office to secure an increase in this scale. It costs a great deal in time and money to qualify as a solicitor, and it is to nobody's interest that professional men should be underpaid.

There is a small but not unimportant matter regarding the registration of moneylenders which I should like to mention to you.

Under the original Moneylenders Act of 1900, a moneylender was obliged to register himself at Somerset House, and it was possible for the public to ascertain whether any particular person had registered himself as a moneylender. For some reason or other—which I have never been able to appreciate—the Moneylenders Act of 1927 repealed this very useful provision, and since it was passed it has not been possible to ascertain whether a licence under the latter Act has been issued to a moneylender so as to validate moneylending contracts entered into by him. Very soon after the 1927 Act was passed, we pointed out to the authorities that, although the intention of those who promoted that Act was to extend and not reduce the opportunities available to the public to ascertain with whom they were dealing, the Act of 1927, in fact, had in this particular respect placed the public at a disadvantage as compared with their position under the earlier Act.

The reply we received at that time was that the public register had been done away with, and that information as to those to whom licences had been granted could not be supplied.

Quite recently it was pointed out to us again how inconvenient it is to solicitors who are called upon to make claims against moneylenders, or to defend actions brought by them, not to be able readily to ascertain whether a licence has been granted. We repeated, in somewhat more pressing terms, the representations to the authorities which we had made at an earlier date, and I am very glad to be able to tell you that our representations were very courteously received by the Chairman of the Commissioners of Customs and Excise. He and Sir Charles FitzRoy, the Solicitor to the Board, gave the matter their personal consideration, and as a result, we have been informed that in future anyone desiring to ascertain whether a licence under s. 1 of the Moneylenders Act, 1927, has been issued, need only address a letter of enquiry to the Board, when the information will be supplied. You will, I am sure, realise that this concession will be found of considerable value to us as a profession.

Since we met last year the Business of Courts Committee, on which sit two members of the Council, Sir Philip H. Martineau, of London, and Mr. H. A. Dowson, of Nottingham, have presented their Second Interim Report, which has been the subject of much discussion and divergent opinion in legal circles. Shortly, the proposals are :—

1. That Divisional Courts should be abolished and no more Lords Justices of Appeal be appointed, but the Judges of the first instance to sit in the Court of Appeal.

2. The Probate Division and Admiralty Division to cease as a separate Division. Probate work to go to the Chancery Division, Divorce and Admiralty work to the King's Bench Division.

3. The Admiralty work to be coupled with the commercial work of the King's Bench Division.

4. The Assizes should be altered and grouped in a different manner, and more use made of Quarter Sessions, to relieve the work of the Judges on Assize.

5. The jurisdiction of County Court to be extended to £200 and that of Registrars from £5 to £10.

The Lord Chancellor invited the Council to offer observations on the report and they and also the Associated Provincial Societies have very carefully considered it and have submitted their views to the Lord Chancellor.

The time at my disposal does not allow me to go into detail, but I would mention that the Societies approved of the recommendation that Divisional Courts should be abolished, and that the jurisdiction of the County Courts should be extended, but disapproved of the proposal that puisne Judges should sit in the Court of Appeal. They considered that the Court of Appeal should be entirely independent of the Court of first instance. I agree with this, as the stronger the Court of Appeal is the better. It would be a difficult and invidious task for the Lord Chancellor alone, or in conjunction with others, to select the Judges of first instance to sit from time to time as Appeal Judges, and a rota system would be unsatisfactory. Following upon the recommendation that Divisional Court work should be done by the Court of Appeal, the Bar Council has passed a resolution that three additional Lords Justices should be appointed. The Council of The Law Society were invited to pass a similar resolution, but they abstained from doing so, their view being that it is not possible yet to measure the additional work which will result to the Court of Appeal.

As you may have seen, the Lord Chancellor introduced a Bill, which now has become law as the Administration of Justice (Appeals) Act, 1934, the effect of which is to provide that there should be no appeal to the House of Lords without leave of the Court of Appeal or of the House of Lords itself, and to provide also that Appeals from the County Court shall be to the Court of Appeal, as recommended by Lord Hanworth's Committee. This seems to me to be an excellent proposal.

As the law stood until the recent passing of the Administration of Justice (Appeals) Act, in High Court cases there was a right of appeal from the Judge to the Court of Appeal and then to the House of Lords, and in County Court cases appeals, speaking generally, lay to the Divisional Court, and from the Divisional Court to the Court of Appeal, with leave of either the Divisional Court or the Court of Appeal.

From the Court of Appeal a further appeal is possible to the House of Lords (apparently) without leave being necessary.

All these appeals are a great hardship on an intending litigant, if he is not well off, and the man with the longer purse, and especially the Crown, has a very great advantage. The proposed Bill will be of benefit to the poorer litigant as he can feel that if an action is started he does not risk being taken up to the House of Lords with the attendant large expense. No doubt many a man has had to settle an action on account of this risk and injustice may have been caused by reason of it.

As to the Probate, Divorce and Admiralty work, the general opinion appears to be that the Admiralty Court should exist as a separate Court, as it is practically an international Court.

As to the Probate work, there does not seem any insuperable difficulty about this being part of the work done in the Chancery Division, the chief difficulty being whether a witness action ought to be tried before a Chancery Judge. There are, however, not many witness actions, and any particular action might be tried by a King's Bench Judge sitting in the Chancery Division for that purpose, but personally I think the Chancery Judges could well try these cases.

As to Divorce cases, King's Bench Judges already try undefended cases at the Assizes, and the only difficulty seems to be on the question of discretion in favour of a guilty petitioner.

Those who have had experience of these cases consider that a large body of judges would not be in a position to exercise this discretion properly. I personally have not had these cases, and so am not really in a position to express an opinion on the subject.

As to the regrouping of Assize cases, one does not like the idea of Assizes not being held at county towns where they have been held for so long. Times, however, change and small places have become large towns and the means of communication have become so much easier all over the country, and it does seem that some system of regrouping might be convenient and save the time of the judges, suitors and juries.

As I am in Newcastle-upon-Tyne, I should like to refer to a suggestion made by that Society, that the whole country should be grouped into six provincial districts. This proposal was considered by a sub-committee appointed by the Associated Provincial Law Societies, and after most careful and sympathetic consideration in all its aspects the committee came to the conclusion that the scheme was not practicable. They thought that the desired object could be achieved by improving the assize system and by obtaining more assistance from local courts other than County Courts, and also assistance by the County Courts. This might be done and relieve some of the hardship. It must be remembered, however, that the witnesses to an action held at any assize town are not all local, and in the present day, where so many provincial business concerns have a head office in London, it may be that a great many witnesses may find it more convenient to attend a trial there. Is not the best and cheapest remedy for speeding up litigation to have more judges ? This in my view, which I believe is shared by many, is the practical solution of the problem. It is a great hardship and inconvenience for litigants to have their cases held over for so long before they can come to trial.

I am sure that whatever changes are made, arising out of the Reports of the Business of Courts Committee, we are all under a great debt of gratitude to Lord Hanworth and his Committee for the work they have done, and I am equally sure that we solicitors will take our part in co-operating in that work.

Early this year the Lord Chancellor appointed a Standing Committee presided over by the Master of the Rolls, on which

two of the Members of our Council, Sir Reginald Poole and Mr. W. E. Mortimer, are serving, to consider how far, having regard to the Statute Law and to judicial decisions, such legal maxims and doctrines as the Lord Chancellor may from time to time refer to them require revision in modern conditions. This Committee, in the first place, were asked specially to report upon the following :—

1. The doctrine of no contribution between tort feasors.
2. The legal maxim "*actio personalis moritur cum persona*" and the rule that "in a civil court the death of a human being could not be complained of as an injury."
3. The liability of the husband for the torts of his wife.
4. The state of the law relating to the right to recover interest in civil proceedings.

This Committee, with commendable promptitude, have already presented three interim reports, the first dealing with No. 2, and the second with No. 4, and the third with No. 1, and effect has now been given to some of the recommendations made by the Committee by the passing of the Law Reform (Miscellaneous Provisions) Act, 1934, on the 25th July last.

The subject of No. 3, on which the Committee have not yet issued a report, was referred to last year at Oxford. It is one of the greatest importance, and it is strange in these times, when a woman has property of her own, that she may, through her husband, escape meeting liability for her post-nuptial torts.

There is another matter to which the attention of our members should be directed, which is that it has been held that solicitors "as persons by and through whom interest or other money is paid on behalf of a client" are personally liable for payment of income tax under the General Income Tax Rules, on money subject to tax. If there is any doubt in a solicitor's mind that interest or other money in his hands may be liable for income tax, he should be sure either that there is no claim against it for tax, or if there is, that this tax is paid before he parts with the money.

Last year at Oxford Sir Reginald Poole referred to the Solicitor' Remuneration Act General Order, 1920, whereby a lump-sum bill of costs could be delivered instead of a detailed bill, but there was provision in the Order that within twelve months after delivery of the Bill or within one month after payment (whichever should be the later date) the client might require a detailed bill to be delivered which was to be the subject of taxation as if the Order had not been made. It was therefore to the client's advantage in order to keep open his time for taxing to postpone payment of the bill. He considered that it would be sufficient protection to any reasonable client if the time within which he could call for a detailed bill were reduced from twelve to six months, and said that he proposed to try and get this amendment. He has been as good as his word. He saw the Lord Chancellor on the subject, who summoned a meeting of the Remuneration Committee. The result has been that the period within which details can be called for has been reduced to six months. The change is effected by the Solicitors' Remuneration (Gross-sum) Order, 1934, which came into force on the 3rd of June. This will be a help to us, and we are all much indebted to Sir Reginald Poole for his successful efforts on our behalf, and also to Mr. William Glasgow, President of the Liverpool Law Society, who served on the Committee.

At the Provincial Meeting at Eastbourne in 1928, our Secretary, Sir Edmund Cook, read a paper on "Ambulance Chasing." The Council have since then carefully considered the subject and have been in touch with various hospitals (Folkestone Hospital being the first of these) with the result that several of these have prepared a rota of solicitors who will be willing to take up these cases, and thus put a check on the activities of certain persons who profited by them.

During the course of our practice we have to be in constant touch with various officials of the Law Courts and Estate Duty and other offices, many of whom belong to our own profession. It is a pleasure to be able to record the valuable assistance and courtesy we receive from these and how much it helps us in our work to have sympathetic and courteous officials, and I think if we are equally sympathetic and courteous to them it helps them in their sometimes most difficult and delicate work.

There are three Societies affecting members of our profession which now call for mention.

The Law Association, which was instituted in 1817, for the benefit of Widows and Families of Solicitors whose work is confined to London, and the Solicitors' Benevolent Association, which holds its Annual General Meeting here to-morrow morning.

Both of these Associations should be in the thoughts of all of us and should command our utmost support, as they make grants to those of our profession and their widows and families who have fallen on evil times, often through no fault of their own. A small annual subscription by every one of us would help the Associations. Is it too much to ask this help and obtain more subscribers ?

The other Society is the Solicitors' Clerks' Pension Fund, which was established in June, 1930.

There are now about 170 firms of solicitors and 570 clerks from all parts of the country who contribute to the Fund, and these are increasing as the benefits to be derived from the Fund are substantial, and from the clerks' point of view their contributions are an investment without comparison, both with regard to security and the return made. It is also of advantage from the solicitors' point of view, as they can feel that their clerks having given the best years of their lives in serving them have a provision for their old age.

The Fund now has an annual contribution income of well over £10,000, and the investments amount to over £45,000, and these sums are being increased with the continual increase of membership.

The Trustee of the Fund is The Law Society, and its Committee of Management consists of ten members, five of whom are nominated by the Council of The Law Society, to represent the employers (three being solicitors practising in the City and County of London and two from outside this area) and five nominated by the members of the Fund to represent the clerks. I have the honour of serving now on this Committee, and know the excellent way in which work is done and the benefits arising out of it.

I should in conclusion like to say a few words about The Law Society and the work done by the Council.

Our membership is over 10,600, which is the largest we have ever had, and I am glad to say that it seems to increase every year. I should like to see it still larger, as every solicitor on the Roll should be a member. Those solicitors who are not members reap the benefit of the work done by the Society and do nothing to help support it.

The excuse of some is that they do not get any benefit from becoming members and say the Council do not do anything for their members. This is altogether unjustifiable, as I think even a cursory glance at our annual report will show.

The Council do everything in their power to help the profession and give a great amount of valuable time and experience in looking after its interests both of those who have large practices and those who have small ones, and whether they are London or country members.

Every solicitor's interest is the same to the Council, and they are anxious to look after the needs of all. They are always ready to help any solicitor with advice in his difficulties. I can say this from my experience of nearly nineteen years on the Council. Every year the work on the Council seems to become greater. As one instance, I will give the average number of cases dealt with by one Committee—the Professional Purposes Committee, on which it has been my pleasure to serve for many years. In the year 1930/31 the number of cases considered by this Committee was 1,100, and during the year 1932/33 the cases numbered 1,500.

Another Committee, the Scale Committee, under the able chairmanship of Mr. H. A. Dowson, deals yearly with the numerous questions of costs and to the general conduct of a solicitor's business other than etiquette or professional conduct (which is dealt with by the Professional Purposes Committee), and their decisions on such cases as the Council think are of use to the profession at large (and which, of course, are only a small fraction of their decisions) are published in our *Gazette*, and in due course appear in our digests.

There are other Committees which do most useful work, such as the Parliamentary Committee, which scrutinises all Bills likely to affect the Society or its members. The Finance Committee which, under the guidance of Mr. A. C. Morgan (whom we are all glad to have back with us after his recent severe illness), arranges our financial affairs, the Legal Education Committee, under the chairmanship of Mr. T. H. Bischoff, which supervises the Law School and the educational arrangements for our students, and last, but not least, the Examination Committee, under the Chairmanship of Sir Philip Martineau (a statutory Committee, though consisting of members of the Council) which, with the assistance of the Assistant Examiners, conducts and supervises the examinations.

We are members of a great and honourable profession, and whatever others say of us, they always seem to seek our aid when in difficulties, and it is a great privilege to be able to afford them all the advice and assistance in our power in relieving their anxieties. Our job is not to create but to compose differences.

When the evening shadows fall and our work is done, may it be said of all of us that we have been of some use to others, and that our labours have not been in vain.

Mr. William Glasgow, President of the Liverpool Law Society, proposed and Mr. J. W. B. Hodgson, President of the Manchester Society, seconded a hearty vote of thanks to the President for his address; this was carried with acclamation.

Mr. Wm. McKeag, M.P. (Newcastle-upon-Tyne) read the following paper:—

The Evils of Legislation by Regulation.

Bacon, who himself at one stage of his brilliant and distinguished career held office as a solicitor, once said that "There is no worse torture than the torture of laws." That was in the seventeenth century. It is interesting to speculate what his comment would be in these days when, not only has Statute Law reached such mammoth proportions that the brain positively reels before it, but when, in addition, we are afflicted with a plethora of delegated legislation in the shape of Statutory Rules and Orders, Bye-Laws, Regulations, Provisional Orders and so forth in such profusion and bewildering variety as to be well nigh incomprehensible. Doubtless he would conclude that the victims of the legal tyrannies of medieval times were indeed fortunate to live when they did.

Some indication of the present-day burden of legislation is obtained when we observe that, according to the Consolidated List of Government Publications, no fewer than 53 Public and General Acts and 92 Local and Private Acts were passed last year. Over and above these, however, and having the full force of legislative enactment, no fewer than 1,165 Statutory Rules and Orders were issued.

This is merely the output for one year. So far as I can estimate, the total number of Statutes now in force is somewhere between three and four thousand. This estimate only includes Public and General Acts and takes no account of the vast number of Local and Private Acts. I quail, however, before the task of estimating the number of Statutory Rules and Orders now in force, but an indication can be obtained from the fact that the mere index to these Rules and Orders alone covers over a thousand pages. In the aggregate they must number tens of thousands.

These are indeed staggering figures, and I wonder how many members of the general public have the remotest conception of this immensity of written law, or, as Blackstone defined it, *lex scripta*. No doubt the figures I have given will be revealing even to many lawyers who have sensed and feared the worst but deemed it prudent not to enquire too closely. Were I addressing a lay audience, I would no doubt find it necessary also to refer to the great mass of *lex non scripta*, the great Common Law of this country, and the tremendous field covered by decided cases. The layman would then perhaps appreciate something of the significance of a remark once made by Mr. Justice Darling that he would be happy and content if he knew only one-half of the law of England.

My task, however, is to deal more particularly with the vexed question of delegated legislation, although I am sure it will be realised that I shall have to exercise some ingenuity to compress within the limits of a paper of this kind any adequate survey of the position, while, at the same time, preserving some semblance of coherence.

I have said enough already to indicate that, in my view, we are suffering from an acute form of legislative indigestion. It is a condition which is rapidly becoming chronic, and will, unless given a very salutary check, result in grave and irreparable damage.

The most disturbing aspect to my mind is the extent to which we are delegating to Government Departments those legislative powers which should be exercised by Parliament alone. I have had exceptional opportunities in my dual role as a practising solicitor and as a Member of the House of Commons of observing the growing tendency of the Departments to filch legislative power whenever opportunity presents itself. Indeed, it is because I have been profoundly disturbed by my own observations in this regard that I have been moved to give to this paper the title it bears.

I do not think that there can be any doubt but that there is a conspiracy on the part of highly placed Government Officials in Whitehall to usurp the legislative functions of Parliament and to oust the jurisdiction of the Courts.

It is none the less grave a position, because the conspiracy is in all probability tacit rather than plotted, and the danger is none the less real because the motives actuating those officials are of the most high-minded and public-spirited character.

I am sure it will not be thought for one moment that this criticism is intended to be an attack or diatribe against what is universally acknowledged to be the finest Civil Service in the world.

Our officials are in the main men of high capacity and ardent zeal, but it would be true to say that they suffer from the defects of their qualities. There is, indeed, I think, a deep-seated but perfectly honest official conviction that the best and most scientific method of ruling the country is by departmental edict without interference or circumscription by Parliament and unassailable in the Courts.

Lord Hewart in his book on "The New Despotism," was very emphatic in his language in this connection, and said: "There is now, and for some years past has been, a persistent influence at work which, whatever the motives or intentions that support it may be thought to be, undoubtedly has the effect of placing a large and increasing field of departmental authority and activity beyond the reach of the ordinary law. All this is manifestly the offspring of a well thought out plan, the object and the effect of which are to clothe the department with despotic power." While Professor C. K. Allen, in his excellent little book entitled "Bureaucracy Triumphant," carried this even further by saying: "And this temper, though far from consciously flagitious, may lead to results which are scarcely distinguishable from unscrupulousness. If, for example, as Lord Hewart is convinced, it leads servants of the public deliberately to draft subordinate legislation in unintelligible terms, on the principle that 'to be intelligible is to be found out,' it is impossible to go on paying compliments to an abstract purity of purpose."

These are strong words, but they are indicative of the genuine anxiety and apprehension which exist among those who have studied the problem of this growth of bureaucratic influence and control. That apprehension is not lessened but intensified by the frank admission of Sir William Graham-Harrison, Chief Parliamentary Counsel, when giving evidence before the Donoughmore Committee on Ministers' Powers, that the practice of delegation in the legislative tendencies of modern England was deliberately encouraged by Lord Thring when he held the office of Chief Parliamentary Counsel, and that that principle has been consciously and wholeheartedly followed by his successors in office.

In a reference to this evidence the Donoughmore report makes the interesting comment: "We doubt, however, whether Parliament itself has fully realised how extensive the practice of delegation has become, or the extent to which it has surrendered its own functions in the process, or how easily the practice might be abused."

The danger has also not escaped observation by the Judicial Bench, and in the case of *R.* v. *Halliday*, Lord Shaw of Dunfermline felt it necessary to utter the following warning: "Once let the overmastering generality of the principle of Regulation be affirmed, as has been done, all is lost; the law itself is overmastered. The only law remaining is that which the Bench must accept from the mouth of the Government."

In face of all this and of all the overwhelming mass of evidence that could be quoted if time permitted can it any longer be doubted that we are faced with nothing more or less than a constitutional crisis. If this be so, then in my submission, it is a matter which, perhaps, as dominantly as any other, should exercise the minds of that great body of practising lawyers in this country whose vehicle of expression is this Society.

There may, of course, be varying opinions, even among the learned members of this Society, as to the desirability of submitting to a form of government by departmental regulation, but, at any rate, it is of sufficient fundamental importance to be discussed and decided in the open rather than that we should permit it to drift and be left to eventual but problematical adjustment on the principle of *Solvitur ambulando*.

In the meantime let there be no mistake; the abrogation of the Rule of Law and the Sovereignty of Parliament are being rapidly brought about by piecemeal and subterranean methods. The whole system of government is being undermined in a way which the public would not tolerate if it were cognisant of it. At the moment, however, it is clearly escaping general notice, and, unless checked, will continue to escape notice until the mischief has been carried to completion.

Hitherto the Constitution of this country has been the envy of the world, and we have enjoyed this reputation largely because of the supremacy of what Professor Dicey described as the "Rule of Law." This principle can be epitomised as meaning that there is only one system of justice available to or against the whole of our people of whatever office or position in society, and that the Crown itself when liable to action, and all servants of the Crown, are justiciable in the ordinary courts by the ordinary law of the land. We have never been persuaded to grant any special procedure applicable exclusively to members of the

Executive. We have no *droit administratif* such as that which operates in France.

But whereas the French system of *droit administratif* with its special Court of Appeal, the Conseil d'Etat, has been developing on lines very much in favour of the subject rather than of the administration, we in this country are fast creating a retrograde system whereby the administration—the Government Department—is being placed above the law in a way which constitutes a real threat to our cherished rights and liberties.

The practice is growing of passing Acts of Parliament in more or less skeleton form and conferring wide powers on the Departments concerned to fill in the gaps by making Regulations. On the face of it, this might appear to the casual enquirer quite a rational thing to do, particularly in view of the complexity of the changing times in which we live. It might also be asked, if Parliament chooses to confer these powers, why rail at the Departments? As to this, however, I am quite sure that Parliament as a whole does not appreciate the enormity of the thing that it is doing, and, in any case, there are many M.P.'s who are far too quiescent in their acceptance of the Departmental point of view.

Moreover, it should not be forgotten that legislation, although nominally emanating from Parliament, is largely prompted by the Departments and drafted either by them or on their instructions. It is instructive to observe the methods by which the administration has sought, and in some cases contrived to gather to itself, not only more power, but to make that power unchallengeable. We are all familiar with the type of clause in Statutes which reads: "For executing the powers given to him by this Act the Minister shall make such rules, orders and regulations as he may think fit." This is no doubt much too wide, but it is quite clear that the remedies of certiorari, mandamus or prohibition would still be available in the event of the rule or regulation issued by the Minister being *ultra vires*.

Bureaucracy, however, chafes against any restraint by the Courts, and a device to secure freedom from judicial intervention was attempted by the insertion in Acts of Parliament of a provision in these terms: "Any order made under this Act shall have effect as if enacted in this Act." This was a blatant attempt to secure immunity from the process of certiorari, but furtunately the House of Lords in the case of *R.* v. *The Minister of Health* (*ex parte Yaffe*), laid it down that, despite the fact that the provision makes the order speak as if it were contained in the Act, if the order as made conflicts with the Act itself, then it will have to give way to the Act. Therefore, if the order is inconsistent with the provisions of the Act which authorises it, the order will be bad.

Then, of course, there is the obnoxious Henry VIII Clause, so called because that King was regarded as the very impersonation of executive autocracy. This type of clause usualy reads: "If any difficulty arises in connection with the application of this Act or in bringing into operation any of the provisions of this Act the Minister may by order remove the difficulty, or make any appointment, or do any other thing which appears to him necessary for bringing the said provisions into operation, and any such order may modify the provisions of this Act so far as the Minister may deem it necessary or expedient for carrying the order into effect."

It is difficult indeed to conceive that these powers have had any parallel since the dispensing powers given to Henry VIII by his obsequious gang of "Yes men."

Then comparatively recently an attempt was made by the Department of Agriculture to secure the inclusion in the Agricultural Marketing Act of a provision in these terms: "The making of an order in pursuance of this section shall be conclusive evidence that the requirements of this Act have been complied with, and that the order and the scheme approved thereby have been duly made and approved and are within the powers conferred by this Act."

This was violently opposed in the House of Commons, but it was not until after it incurred hostility in the House of Lords, which was renewed when the Bill came back to the Commons, that a safeguarding provision was inserted providing for a period of twenty-eight days after an order had been made by the Minister during which the validity of the scheme could be challenged in the Courts.

The distressing feature is, however, that this type of clause, without any limiting provision such as was obtained here, is already embodied in other measures which are already in the Statute Book.

It is almost impossible to imagine any clause which could be more subversive of the power of Parliament or the authority of the Court.

In March of this year a short Bill was introduced under the ten minutes' rule by Mr. Dingle Foot, one of the small band of lawyer M.P.s, who almost alone appear to be alive to the great danger to our constitution inherent in this kind of legislation. This Bill provides for the extension to all other legislation of the principle of the right of challenge in the Courts for a period of twenty-eight days. My own view is that this period is much too short, and that it should be not less than six months. However, the Bill is still on the table, and, as it is not a Government but a Private Member's Bill, unbeloved by any of the Departments, it is likely to remain on the table indefinitely.

It so happens that whenever a lawyer M.P. endeavours to explain that he is proposing an amendment or opposing a particular clause because he is anxious to avoid unnecessary litigation, the House of Commons laughs uproariously, no doubt because of the sedulously fostered idea that lawyers deliberately complicate legislation in order to create work for themselves.

As a matter of fact they are the most effective watch-dogs of the public against the incursions of the bureaucrat.

Even so, their efforts have not been successful in preventing the haphazard evolution of a system of delegated legislation which lacks coherence and uniformity. Professor Allen satirically describes it as a "sprawling mass of departmental powers partly executive, partly judicial, some controlled by the judiciary, many of them uncontrolled."

There is no proper or clear classification of the heterogeneous conglomeration of regulations, rules and orders which are in force to-day, and the nomenclature used is of the most confused and diverse character even for describing the same thing.

There are also different methods of securing for these orders the force of law. In some cases the proposed rules are laid on the table of the House of Commons for a certain number of days—usually twenty-one or twenty-eight—and they pass automatically into law unless annulled by a resolution of the House within the stated time.

In other cases the rules require an affirmative resolution by both Houses of Parliament before they can become law. This affirmative resolution procedure is perhaps one of the greatest safeguards that obtain, but it is only rarely that the House of Commons succeeds in obtaining even this concession from whatever Minister may be in charge of a Bill. The Departments detest it—it cramps their style.

The most obnoxious of them all, however, are the "Provisional Rules and Orders." These come into force immediately on publication without Parliamentary scrutiny by virtue of the provisions of s. 2 of the Rules Publication Act, 1893. It is true that the same Act provides that a Provisional Order shall only remain in force until a rule embodying the Order has been confirmed or rejected by Parliament, without prejudice, however, to anything which may already have been done under the Order, but the bureaucrat easily evades this provision by the simple expedient of omitting to submit to Parliament any genuinely permanent rule which could be the subject of debate. By this device, therefore, ostensibly temporary and Provisional Orders acquire permanency and the safeguards of publicity and Parliamentary control are thereby defeated.

Such Provisional Orders require a certificate from the appropriate Minister that they are essential on the grounds of urgency, and it is a highly diverting form of entertainment to glance through a number of these Orders and observe the kind of provision which is solemnly certified by a Minister of the Crown to be of such urgency that it cannot await the formality of sanction by Parliament.

The iniquities of D.O.R.A., excusable though they might have been in time of war, are being perpetuated in another form without the slightest reason or necessity.

It is an essential ingredient of good law that it should be certain. But what certitude is there about the great bulk of the law to-day? A client asks to be advised; the Statute is consulted and the position under it explained. It is then observed that wide powers of making regulations have been delegated to the Minister. A search is made for the regulations, but few practitioners are able to make provision for keeping check of all the regulations that are issued. Recourse is, therefore, had to the local law library, but still one cannot be certain that the loose leaf file of regulations is right up to date. The only safe way is to communicate with the Stationery Office, and, even then, one is pursued by the haunting fear that another regulation may have been issued while the others are in the post. There can be no question that the task of finding the law is being rendered inordinately difficult by this system of legislating by regulation.

Then again there is the uncertainty created by giving the Minister power to decide that different parts of an Act shall come into operation on different dates. This leads to considerable confusion. The general public is left in a state of complete fog, and lawyers themselves are frequently in a position of considerable doubt. Indeed cases have been

known where the Police have actually instituted prosecutions in the belief that certain sections of an Act have come into operation only to discover later that they were mistaken.

All this is bad for the dignity of the law, and can only result eventually in bringing it into contempt.

In passing, perhaps it may be fitting to observe that the multiplicity of regulations has the effect of throwing upon the Police additional work in dealing with what are more or less technical offences, thereby diverting them from their paramount duty of crime detection.

Under the Road Traffic Act, 1930, and the Road and Rail Act, 1933, tremendous powers are given to the Ministry of Transport and the word "prescribe," which is such a source of irritation to the busy solicitor, occurs to them with monotonous regularity. Just as under the Housing Act of 1930 it is possible for the Ministry of Health to take away a man's property without the payment of a penny compensation, so is it possible under these Traffic Acts to take away the whole of a man's business involving all his capital without any safeguard except an appeal to the Minister himself.

This brings me to a subject which, but for the fact that I must not permit this paper to stray beyond tolerable length, might profitably be discussed in some detail; suffice it, however, for me to say this—it is the first and most fundamental principle of natural justice that a man may not be a judge in his own cause, but the judicial and quasi-judicial powers conferred upon departments now enable the bureaucrat to fill the threefold role of legislator, administrator and judge. Too often he is not only both suitor and judge, but a judge who is unappealable. Could anything be more ludicrous? Grave hardships are being inflicted by this evil system, and justice is too often being burked by the *ipse dixit* of some Departmental Official.

Without doubt many people are chafing at Departmental decisions which are entirely destitute of any semblance of justice, and particularly is this so under the Road Traffic Acts and the Housing Act of 1930.

To such an extent are Government Departments exhibiting an increasing tendency to arbitrary and unconscionable action that it should not be surprising if ere long there is a powerful reaction against the exaggerated extension of governmental functions.

Certainly we are deliberately courting trouble if we continue the practice of placing any official in the position of knowing beforehand that any decision he may give, however unreasonable and unrelated to the canons of justice and equity it may be, cannot in any circumstances be questioned either in the Courts or elsewhere. I say elsewhere, because the bureaucrat is so impatient of any form of control that, if his action is sought to be impeached in the Courts, he takes refuge in the plea that his decision was an administrative one, whereas, if he is called to account by, say, a Member of Parliament, he does not hesitate to claim that he was acting in a judicial capacity, and therefore immune from interference. And so he enjoys the best of both worlds.

The exigencies of time preclude any further examination of this theme within the limits of this paper, or any reference, as I would have liked, to the position which arises under such bodies as the Unemployment Assistance Board, or of the Courts of Traffic Commissioners where restriction of the right of audience to qualified and controlled advocates who would be unlikely to make statements which could not be justified or, at any rate, would not be able to do so with impunity, would bring about a much needed improvement in the conduct of the business which comes before them.

My concluding sentences must therefore, be devoted to a brief consideration of the steps which should be taken to minimise, if not to entirely eradicate, the evils to which I have endeavoured to direct attention.

First of all, there should be a substantial diminution in the output of legislation. There is too much of it. The argument so often advanced that it is necessary to delegate the powers of which I have been complaining because Parliament has no time to deal with so many matters leaves me quite cold and unimpressed. It is true that Parliament is asked to do more than it can properly deal with. The remedy is to reduce the demands upon it. Let us curb the insensate desire to legislate about anything and everything. It is time we began to administer a corrective to the insatiable appetite to control other people's affairs. An instance of the length which we have now reached in the realm of interference was afforded the other day when an undertaker was summoned under the Road and Rail Traffic Act with having carried a coffin containing a corpse in a hackney carriage without having a licence for the carriage of goods. The farcical aspect of it is that, if the corpse had been contained in a Brighton trunk, there would have been no offence.

Secondly, any Bill presented to Parliament should contain in itself those provisions that it seeks to enact instead of leaving all manner of things to be dealt with by regulation which might well be included in the Bill. The present method tends to slip-shod preparatory work and should be discouraged.

Thirdly, the Henry VIII type of clause to which I have made reference should never be permitted.

Fourthly, the practice of legislating by reference to other Statutes should be reduced to an absolute minimum, and each Bill should be as completely self-contained as possible, even at the risk of greater length and prolixity.

Fifthly, every Bill should be submitted to a small specially selected committee of the House of Commons, whose duty it would be carefully to scrutinise all suggested powers to make rules and regulations, and to recommend their deletion in all but the most exceptional circumstances.

In addition the Rules Publication Act of 1893 should be drastically revised, and every Rule, Regulation and Order should be subject to challenge in the Courts. The Donoughmore Committee made a number of excellent and far-reaching recommendations, and these should be given effect as early as possible.

Above all, the sovereignty of Parliament and the supremacy of the Law should be maintained at all costs. Even if this results in some delay in dealing with various matters as they arise—a suggested outcome which I do not necessarily accept—the price will not be too high for securing the preservation unimpaired of a constitution which has stood the test of time, which has weathered the cataclysmic periods of recent times, and which is at once the pride of our own people and the envy of every other nation in the world.

Mr. C. Smith (Brighton), President, Sussex Law Society, stressed the urgent public importance of Mr. McKeag's subject and the difficulty of knowing what steps to take. He had discussed it with his own Member of Parliament, who had said that nothing could possibly be done. One method, however, was to create a healthy public opinion, and every member of The Law Society might approach his Parliamentary member and point out how serious and urgent the matter was. If what had already been done could not be undone, something might be done to prevent further legislation along these lines.

Sir Charles Morton (Liverpool) also wondered what the remedy was, while agreeing that the present state of affairs was an impossible one. Parliament was already overworked. The only suggestion he could make was to increase the number of judges so that points now given to Government officials might be referred to a special bureau. The Law Society ought to consider the matter as it was of grave importance.

Sir Harry Pritchard (London), Vice-President, pointed out that the Society was among the sinners, as it had been empowered by the Act of last year to make regulations. He was sure that great difficulty would have been encountered if they had tried to embody those regulations in an Act of Parliament.

Mr. A. W. Drew (Ventnor, Isle of Wight) cited a case before the magistrates in which thirty-seven sets of regulations had been involved, and said that the whole matter was fundamental to the freedom of the subject.

Mr. E. T. L. Baker, M.A. (Cambridge), read the following paper:—

The Land Drainage Act, 1930.

It is the purpose of this paper to sketch shortly the operation of the Land Drainage Act, 1930, and to show how it is likely to be met with in general practice; it is not intended to be a critical examination of the Act, although criticisms may appear in the course of explanation.

Before 1930 the general law of land drainage was regulated by a series of Statutes commencing with the Bill of Sewers of Henry VIII, and extending at intervals down to the Land Drainage Act, 1918. In addition there was a large number of local Acts by which individual drainage districts and boards were constituted and which between them contained many provisions not to be found in the general legislation. The operation of this early legislation was largely local, and while it would be a matter of everyday practice to solicitors in certain districts it probably did not affect the majority. The Land Drainage Act, 1930 (to which I shall hereafter refer as "the Act"), repealed the whole of the general legislation, re-enacted a large portion of it in the manner of a consolidating Act, amended it, and considerably widened the scope of land drainage. Its object is to improve drainage throughout the country as well as to maintain it, and it is probably true to say that the law of land drainage is likely to be met with in an increasing degree in ordinary practice.

It will be convenient to deal with the Act under four heads:—

1. Catchment Areas.
2. Internal Drainage Districts.
3. The powers of County Councils.
4. The rights and remedies of individuals.

Before dealing with these heads it should be noticed that "drainage" as defined in the Act, includes irrigation, warping and the supply of water.

1. *Catchment Areas.*—The main innovation effected by the Act was the provision of one authority for the whole catchment area of any river. A Catchment Area is best defined in the words of the Royal Commission Report as "the whole of the land which directs the drainage towards one river ending in the sea." The jurisdiction of a Catchment Board extends over the whole of the Catchment Area, and it is the sole drainage authority able to do work in the "Main River." The "Main River" is marked by the Ministry of Agriculture and Fisheries on a map of the Catchment Area and can be varied by Order from time to time. It comprises all the main channels of the river and its tributaries and the control of drainage is therefore extended far beyond the very limited scope of the old legislation. As an instance the Main River of the River Great Ouse Catchment Area has a total length of 496 miles.

The constitution of a Catchment Board may be any number of members the Minister thinks fit not exceeding thirty-one, and of them the Minister appoints one member, of the remainder at least two-thirds must be members appointed by the Councils of Counties and County Boroughs wholly or partly within the Catchment Area, and the rest are appointed by the Minister after consultation with and taking into consideration the recommendations made by the Internal Drainage Boards within the Catchment Area. Each Board holds office for three years from the 1st November in the year of appointment.

The duties of a Catchment Board fall mainly under three heads:—

(*a*) The control of and the carrying out of works in the Main River;

(*b*) The general supervision of drainage in the area and in particular supervision of the Internal Drainage Boards in certain respects;

(*c*) The reorganisation of the existing Internal Drainage Districts and Boards and the creation of new ones.

(A) The Catchment Board is the sole drainage authority able to exercise any of the powers of the Act in relation to the Main River and its banks, the chief of which powers are those of carrying out work and control by means of bye-laws. With regard to the former, the Board has power to cleanse, repair or otherwise maintain in a due state of efficiency any existing watercourse or drainage work; to deepen, widen, straighten or otherwise improve any existing watercourse or remove mill dams, weirs or other obstructions to watercourses, or raise, widen or otherwise improve any existing drainage work; to construct new works, that is to say, to make any new watercourse or drainage work or erect any machinery or do any other act not hereinbefore referred to required for the drainage of the area. For the purpose of maintenance of works authority is given to enter on the land of any person, but where injury is sustained as a result of the exercise of its powers, compensation is payable. In watercourses outside the Main River the Catchment Board cannot exercise its general powers of doing work.

With regard to the latter, control of the river, power is given to make bye-laws generally and also in relation to certain specified matters. In order to obtain uniformity as far as possible, the majority of the existing Catchment Boards joined together to prepare a general draft form which it is likely will be used as the basis in many cases. The bye-laws cannot be gone into in detail, but it may be said that they are designed to achieve the following objects: The effective control of the flow of the water in the river by the Catchment Board to the extent necessary for the purposes of drainage; the prevention of obstructions to the flow; protection of the natural channel and of artificial works of the Board; protection of the Board's property; protection of the Board's rights. Generally, it is probable that the obligations thrown upon riparian owners and occupiers by the bye-laws are only such as they ought to carry out in any case in the course of good estate management and in many cases have carried out in the past. The bye-laws, therefore, deal with such matters as the control and repair of mill sluices, drainage pumps, etc., prevention of the discharge of harmful liquid and solid matter into the river, the removal of fallen trees and branches, the cutting of weeds on the banks, the alteration of the level or direction of any watercourse entering the river, the prevention of the deposit of rubbish, control of buildings and of the planting of trees, etc.

Powers are given to Catchment Boards for the disposal of spoil resulting from their work; without making payment or compensation they can appropriate and dispose of certain matter removed in widening, deepening or dredging any watercourse, and may deposit any such matter on the banks or use it in any other manner in the course of their work.

(B) The duty of general supervision over all matters relating to drainage in the area is given to a Catchment Board subject to the provisions of the Act, and this duty is to be in addition to such other powers and duties as are conferred or imposed by the Act, but no special method of enforcing this general provision is given and it is not clear how it can take effect. In addition, however, the Catchment Board is given power, for the purpose of securing the efficient working and maintenance of existing drainage works within the Catchment Area and the construction of necessary new works, to give general or special directions for the guidance of Internal Drainage Boards with respect to the performance by those Boards of their duties. Also, an Internal Drainage Board is forbidden without the consent of the Catchment Board to construct or alter drainage works which will in any way affect the interests of or the working of drainage works belonging to any other Internal Drainage Board, or otherwise than by way of maintenance construct or alter any structure, appliance or channel for the discharge of water from their district into the Main River, except on terms to be agreed with the Catchment Board. In this case the Catchment Board is given power to enforce its supervision by themselves executing any works or doing anything necessary to prevent or remedy any damage which may result from the action of the Internal Drainage Board and they are entitled to recover summarily as a civil debt the amount of any expenses reasonably incurred.

Further control of the Internal Drainage Boards is also given in the power of a Catchment Board, where they consider that any land is injured or likely to be injured by flooding or inadequate drainage which might be remedied wholly or partially by the exercise by an Internal Drainage Board of its own powers, to exercise any of those powers and also any powers of the Internal Drainage Board for defraying expenses incurred in so doing. There is a further power given to the Minister of Agriculture and Fisheries by order to transfer the functions of an Internal Drainage Board wholly to the Catchment Board.

(C) The reorganisation of existing Internal Drainage Districts and the constitution of new districts is one of the first duties of the Catchment Board and of very great importance. The Royal Commission of 1927 reported that the position was chaotic and this is certainly borne out by experience. The existing Internal Drainage Districts were created under ancient Commissions of Sewers or by local or general Acts over a period of 150–200 years or more, and their areas were largely haphazard. In addition, various causes have contributed to render them at the present day ill-adapted and inadequate to provide effective and economical drainage. It is one of the Catchment Board's most difficult duties to take in hand the rearrangement of the districts into proper drainage units. Local and personal interests are naturally likely to be affected and the rearrangement of the districts encounters considerable opposition. Experience shows, however, that once a scheme has been confirmed the persons concerned very soon realise the great advantages which can be obtained.

The constitution of new districts is likely to extend the areas covered by Internal Drainage Districts very considerably. It is the fact that a large area of land adjoining the rivers of this country has gradually become waterlogged owing to neglect, and it is the object of the Act to check this process and to improve land wherever possible. Land which can be included under the Act within an Internal Drainage District is all land which will benefit or avoid danger as a result of drainage operations, and this will undoubtedly include a lot of land which hitherto has not been within any drainage district.

The expenses of Catchment Boards are raised, first, by the demand from Internal Drainage Boards of such an amount as the Catchment Board thinks fair. The Act gives no indication of the meaning of the word "fair" in this connection and no general rules can be laid down on account of the very different circumstances in the various Catchment Areas. It would seem, however, that a Catchment Board in settling the contribution to be made by the Internal Drainage Boards should have regard to the degree of benefit received by various areas from any particular works and subject thereto gauge their capacity to contribute by the total gross Schedule A values of the Districts. Secondly, the balance of the Catchment Board's expenses not otherwise met is apportioned between the Councils of Counties and County Boroughs on the basis of the totals of the rateable values of all such hereditaments in the respective areas of those Councils as are situated within the Catchment Area. The amount which may be demanded from the Councils of Counties and County Boroughs is not

to exceed the estimated amount which would be produced by a rate of 2d. in the £, except with the consent of the majority of those members of the Catchment Board who are appointed by such Councils. All property which pays general rates (which does not include agricultural land and industrial hereditaments) and is within a Catchment Area therefore contributes towards drainage, and since the areas of land in England where no Catchment Area has been set up are small, it follows that practically every ratepayer now contributes.

The financial scheme, therefore, appears to require that all land which derives benefit or avoids danger as a result of drainage works shall contribute directly to the cost, but that some responsibility also rests upon the rest of the Catchment Area which is required to contribute through the County Councils.

2. *Internal Drainage Districts.*—Internal Drainage Districts are drainage districts within a Catchment Area, but there are also cases where there are drainage districts outside Catchment Areas or partly within and partly without a Catchment Area. The majority, however, are within Catchment Areas and in practice the only difference is that the Internal Drainage Board is subject to Catchment Board supervision and liable to make contributions towards its expenses. Any drainage districts constituted under the Land Drainage Act, 1861, or under any other enactments relating to the drainage of land are to be deemed to have been constituted under the Act. The recent case of *The Gas Light and Coke Company* v. *Canvey Island Commissioners*, decided by a Divisional Court in 1932, seems to show that bodies having any power to make or maintain works for the drainage of land will be included. Internal Drainage Boards are concerned with the local drainage of their districts and the passage of the water into the Main River.

The Act did not alter the constitution of any existing Internal Drainage Board, but power was given to Catchment Boards by a scheme of reorganisation, or in the case of a Drainage Board not within a Catchment Area to the Minister by means of an Order, to make the provisions of the Act applicable to such Boards. Any new Drainage Boards must, of course, be constituted under the Act. The Act provides that Drainage Boards shall be composed of members elected by the owners and occupiers of land rated by the Board who have paid all rates on that land to date. Electors are entitled to one or more votes in accordance with a scale based on the annual value of the land held. The persons elected members must be qualified as owners, occupiers, or nominees of an owner, of land rated by the Board and comprising a stated acreage or having not less than a stated annual value and in respect of which all rates have been paid up to date. In the case of a newly constituted Board, the first members are appointed by the Minister and hold office till the 1st day of November in the year next following the year in which the scheme constituting the Board comes into force.

With regard to the powers of Internal Drainage Boards, the Act did not repeal directly the old local Acts under which the drainage districts were constituted, but it undoubtedly effects repeal by implication in certain respects, and this is emphasized by the careful savings made for their powers in certain cases. It is in rating matters that the most difficult questions of repeal of the provisions of the local Acts arise, particularly since in the specific instance of the recovery of drainage rates it is stated that the powers conferred by that section of the Act are to be deemed to be in addition to and not in substitution for the powers conferred by any local Act. The general powers of Drainage Boards are contained in Pt. 5 of the Act, and are all to be deemed to be conferred in addition to and not in substitution for any like powers conferred by any local Act on any Drainage Board. In dealing with Drainage Boards, therefore, it is clear that their local Acts as well as the Land Drainage Act must be examined in order to ascertain what are their powers.

The recent case of *Lodge* v. *The Lancashire County Council*, K.B.D., 20th July, 1934, is an instance of the difficulty referred to, where commutation of an acreage rate had taken place under the old legislation and the Court held that the commutation would apply even to rates laid on Annual Value under the Act, on the ground that it was an amending and consolidating Act, and its effect was not to give a new power of rating but only to provide that in future rates should be assessed on Annual Value only.

These general powers, which are also exercisable by a Catchment Board in their own district, include the power to make bye-laws, to dispose of spoil, and to enforce the carrying out by the person liable of any obligation to do work by reason of tenure, custom, prescription or otherwise.

Both Catchment Boards and Drainage Boards can with approval of the Minister enter into arrangements for the transfer to them of the powers and duties of navigation authorities or any part thereof, for the alteration or improvement by the Board of any works of the authority and for the making of payments by either party in respect thereof. Such an arrangement can be varied or revoked by a subsequent arrangement. In addition, in a case where a navigation authority is not exercising at all or is not exercising to the necessary extent the powers vested in it, the Minister can, for the purpose of securing better drainage, by order revoke, vary or amend the provisions of any local Act relating to the navigation, and may extinguish, vary or suspend for any period such rights, powers or duties.

No mill dam, weir or other like obstructions may be erected, raised or otherwise altered without the consent of the Drainage Board of the district.

One important power, however, is exercisable by Internal Drainage Boards which is excepted from the powers of Catchment Boards, namely, the power to enforce the maintenance of watercourses. This provides that where any watercourse is in such a condition that the proper flow of water is impeded it shall be the duty of the person having control of the watercourse to put the watercourse in proper order, if by reason of such impediment agricultural land of some other person is injured or in danger of being injured by water. A Drainage Board is given power in these circumstances to serve a notice on the person, and in default of compliance can execute the necessary works and recover the expenses summarily as a civil debt. Certain rights of appeal are given to the person in default.

The expenses of Internal Drainage Boards must be met by means of rates laid under the Act, though it is within the power of a Catchment Board to make grants to an Internal Drainage Board on account of the quantity of water received by the Internal Drainage District from lands at a higher level or of the time which will elapse before the district obtains relief from the operations of the Catchment Board. The method of laying rates under the Act makes certain innovations, which are of importance. In the first place rates can no longer be assessed on acreage or annual value as in the past, but must be assessed on annual value only, which is defined as meaning the gross annual value as determined for the purposes of Income Tax Schedule "A." In practice this has not been found to be a satisfactory basis, owing to the fact that Schedule "A" and all its regulations are designed to raise a tax on personal income, and as such they do not fit properly the case of a drainage rate where the land itself is preserved as well as its productivity year by year.

The land included in a single assessment to Schedule "A" frequently includes both land within and without the Drainage District, and the Drainage Board is, therefore, given power to apportion the value. In addition, while agricultural land bears the full rate other land bears only one-third of the full rate, and since both are normally included in one Schedule "A" valuation a further instance of apportionment arises. The main difficulty in making the necessary apportionment is to avoid taking the land within the Drainage District and simply making a valuation of it. It would seem to be the correct procedure to value land within the district as against the land outside the district, and to split the total Schedule "A" in that proportion. The same method is necessary in the apportionment between agricultural and other land. In cases where there is no Schedule "A" the Drainage Board is given power to make their own valuation. Certain rights of appeal are given to the ratepayer. A general appeal against the rate can be made to Quarter Sessions within one month of the making of the rate, but any appeal against an apportionment or a valuation made by the Drainage Board will not be a ground for such an appeal. Against the two latter an appeal is provided to the Justices who are given power to make any adjustments they think fair and against whose decision there is no appeal. It must be borne in mind that the Act required the Drainage Board to use the Gross Schedule "A" assessment, and provided they have done that there can be no appeal against the amount of the assessment, and it is therefore clear that where the assessment is considered too high the correct procedure is an appeal to the General Commissioners against the Schedule "A" assessment.

Secondly, the incidence of drainage rates is altered. In the past, drainage rates were generally regarded as an owner's tax, but the Act provides that improvements to existing works, new works and the Catchment Board precept shall form an owner's rate and that all other expenditure shall form an occupier's rate. All rates are to be assessed on the occupier, who is given a right to recover the owner's rate from the owner. The greater part of the burden of drainage rates has therefore been shifted from the owner to the occupier. There is no provision in the Act that persons cannot contract out of this section, and it would seem that the actual incidence will still be governed by the tenant's lease or agreement.

Thirdly, all necessary powers for the amendment of rates are given, this being, it is thought, the first time that such power has been exercisable by Drainage Boards, although in practice amendments used to be made before the Act.

3. *Powers of County Councils and County Boroughs.*—These Councils as respects land which is within their area but is not under the jurisdiction of a Catchment Board have all the powers given to Catchment Boards to exercise the powers of a Drainage Board in default, the power to enforce obligations to repair watercourses, bridges or drainage works to which any person may be liable by reason of tenure, custom, prescription or otherwise, and also the powers relating to obstructions in watercourses, such as mill dams and weirs or other like obstructions. In respect of any land in their area, whether or not it is within a Catchment Area, it will have the powers relating to the maintenance of watercourses which are in such a condition that the flow of water is impeded, which have already been specified in the case of an Internal Drainage Board. The power of the Minister to transfer the functions of an Internal Drainage Board to a Catchment Board applies to a district in a county or any part of a county which is not within a Catchment Area, the Council of the county being substituted for the Catchment Board. The power of the Minister to vary navigation rights is to apply to any navigation rights over waters which are not within a Drainage District on application being made by the Councils of Counties or County Boroughs.

The Councils are also entrusted with the preparation of schemes for the drainage of small areas where land is capable of improvement by drainage works, but the case cannot be met by the constitution of a Drainage District under the Act.

The powers conferred on Councils by the Act are to be in addition to and not in derogation of any other powers possessed by them independently of the Act.

4. *Rights and Remedies of Individuals.*—Power is given to the owner or occupier of any land which is injured by reason of the neglect of the occupier of any land to keep any watercourses in order, to serve a notice requiring the work to be done, and in default of the latter's compliance with the notice, the injured person may do the work and recover the cost summarily as a civil debt. It will be evident that this power can very seldom be available as a remedy as it entails a person taking action against his neighbours.

Power is given to the owner to apply to an adjoining owner for leave to make such drains or improvements in drains through the land of the latter as he thinks are necessary for the drainage of his own land. If they are able to reach agreement the matter is completed by a deed which is to be filed with the Clerk of the Peace for the county. In cases where the adjoining owner does not agree the matter goes to the Justices, who have powers much similar to those under the Lands Clauses Acts to decide the necessity for the work and to assess compensation.

Power is also given to the Minister upon the application of any persons interested in land which is capable of improvement by drainage works, to authorise them to execute drainage works where the lands which would be entered upon for the purpose are vested in a person who objects or is under disability. This latter power appears to overlap to some extent that last mentioned.

In conclusion it will be realised that within the scope of this paper it is impossible to do more than give the general effect and practical explanation in a few instances and that there are therefore a number of provisions which have not been discussed.

Mr. W. W. Gibson (President, Newcastle-on-Tyne Law Society) said that there were no drainage boards in Northumberland and Durham, owing to the nature of the country, and recalled an attempt he had made to protest, before the Bill became law, against the iniquitous and outrageous provisions enabling boards to modify local Acts regarding navigation. These, he said, offered Mr. McKeag a good example.

Mr. Baker, briefly replying, spoke of three navigations in his area which were not only a dreadful obstruction but a potential danger. The provisions were not intended for any properly conducted navigation.

Mr. M. Barry O'Brien (London) read the following paper :—

The Road Traffic Acts, 1930-1934.

When I first offered to read a paper on this subject, I intended to restrict my observations to the provisions of "The Road Traffic Act, 1930," because I was not at that time aware of the Terms of The Road Traffic Act (then only a Bill) of 1934, which received the Royal Assent on the 31st July last.

The Amending Act has to some extent lessened the interest or rather the pungency of some of the remarks I wish to make, but it has not removed the chief cause for the reading of this paper.

It is well that I should make manifest at the outset what is the object underlying the paper. It is not my intention to enter upon a long and discoursive treatise upon the various sections of "The Road Traffic Acts," nor to approach the matter from a highly technical point of view ; I am going to deal with the subject on broad general lines. My complaint against the Act of 1930, and for that matter the Amending Act as well, is that the public does not receive the protection which it is entitled to receive, and which I believe it was the intention of the Legislature that it should receive, from the Statutes in question.

I will begin with "The Road Traffic Act of 1930." In the opening or preamble to that Act, it is stated that the Act was to make provision for the regulation of traffic on roads and also "to make provision for the protection of third parties against risks arising out of the use of Motor Vehicles and in connection with such protection to amend the Assurance Companies Act, 1909." The Act is a long one, but it will only be necessary for me to refer to a few sections.

Part 1, which deals with the "Regulation of Motor Vehicles," by Section 4 provides for the granting of licences to persons who are desirous of driving a motor vehicle, and at the time the 1930 Act was passed, any person by filling up a form could, upon payment of a fee of 5s., secure a licence to drive a vehicle, which is undoubtedly an instrument of great danger in the hands of inexperienced people. It is true that forms of application had to be filled up before a licence was obtained but under the 1930 Act, the granting of the licence was entirely dependent upon statements made by the applicant. For example : under Section 5 of Part 1 of that Act, it is provided that the applicant must make a declaration in the prescribed form, as to whether or not he is suffering from any disease or physical disability which would render the driving of a motor vehicle by him, dangerous to the public. The point I wish to make is that the Legislature, when that Act was passed, was content to leave to the applicant the sole responsibility of deciding as to whether he should be entrusted with the care of a motor vehicle or not.

Now just think what that means in common practice. Supposing that I, or any lady or gentleman in this hall, wished to commit suicide in a more or less respectable manner, we should find it extremely difficult to purchase a sufficient quantity of poison from a chemist, because, naturally and properly, the Legislature has provided precautions and restrictions in regard to the sale of dangerous drugs and poisons, but any person, however reckless and irresponsible he or she may be, could, by filling up a form, whether truthfully or untruthfully, secure a licence which would enable him or her to be entrusted with a dangerous machine, capable of doing not only injury to himself or herself but to the public at large. When one considers the statistics which have recently been published concerning the number of fatal accidents on the roads, one can appreciate what a serious state of affairs existed.

In *The Times* newspaper, under dated 17th July last, there was a leading article referring to what was described as "The Worst Week" so far as accidents were concerned, and it was there stated that according to the latest return issued by the Ministry of Transport 180 persons were killed or died as the result of previous accidents, and that nearly 5,800 persons were injured on the roads during the week ending 7th July of this year. On 20th July *The Times* published a sort of summary of these accidents from which it appeared that 2,087 persons were killed in sixteen weeks, and that over 71,000 persons were injured during a similar period. These figures indicate, in my opinion, that we have arrived at a stage when the whole question of the use of our public roads by motor vehicles should be considered, not in the interest of motorists themselves or of insurance companies, but in the interest of the ordinary law-abiding general public, the pedestrians ; that is to say, the persons for whom our highways were originally made.

Now, under the new Road Traffic Act of 1934, there is a provision, under s. 6 of Pt. 1, for tests for new applicants for licences to drive motor vehicles. That is certainly a step in the right direction, but it is surprising that we should have waited all these years for such an enactment. It should always have been imperative for a person applying for a licence to undergo some test to ensure that he was a competent person to be entrusted with a motor vehicle.

I will now pass from the granting of licences to the more vital part of my paper which is concerned with the question of insurance against death or injuries to third parties. We must turn to Pt. 2 of the Principal Act (the Act of 1930), which under the heading "Provision against Third-Party

Risks arising out of the Use of Motor Vehicles," does provide by s. 35, that users of motor vehicles must of necessity be insured against third-party risks. It seems almost inconceivable that before the passing of that Act, it was not obligatory for the user of a motor vehicle to insure against such risks, so that a careless driver might be responsible for injuries to a number of people or even the death of one or more persons, although he was financially unable to meet claims for compensation by such persons or their relatives as the case might be.

I come now to s. 36 of the Principal Act, which is the all-important enactment in regard to the subject of insurance. Sub-section (1) (*a*) of that section provides that a policy of insurance to comply with the requirements of that part of the Act must first of all be issued by a person who is an authorised insurer within the meaning of the Act, and secondly, under sub-s. (1) (*b*) of s. 36, it is provided that the policy " insures such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of the vehicle on a road." Sub-section (5) of s. 36 deals with the all-important certificate of insurance which has to be carried by every user of a motor vehicle, and sub-s. (4), the meaning of which is not very clear, says that notwithstanding anything in any enactment a person issuing a policy of insurance under s. 36 shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

I emphasise that sub-section because whatever the Legislature may have intended by it, in practice I cannot see that it has proved of much value. There are other provisions in the 1930 Act as to punishment for offences committed by users of motor vehicles, but they do not form an important part of this paper. I will therefore leave them in the belief that in the discussion which I hope will follow, they will be commented upon by subsequent speakers if their importance is considered material to the general subject-matter of my paper.

I shall refer later to some of the provisions of the new Act of 1934, but, before doing so, I want to bring to the notice of my audience what I regard as the extremely unsatisfactory state of affairs, so far as third parties are concerned, which existed before the passing of this new Act, and I am not sure that such persons are going to receive the benefit or relief to which I consider they are entitled notwithstanding the passing of the new Act.

I have had fairly considerable experience professionally in what are called " Running Down Cases," and the thing that has been brought home to my mind particularly during the past year, is that, notwithstanding the protection which " The Road Traffic Act of 1930 " was intended by the Legislature to give to the general public, the Principal Act has most unquestionably failed in that respect.

I am going to give you a few illustrations of actual cases in order to demonstrate what I mean.

The first of these cases was one in which a young Irish girl, a waitress, was knocked down in Oxford-street, London, by a young man driving a motor car which, in fact, belonged to a lady friend of his. The girl was very severely injured, sustaining a fractured pelvis, a fracture of the left thumb, injury to the right eye, concussion and very considerable shock. She was, in fact, unconscious for three days, and had it not been for her magnificent constitution, the results of the accident might have been much more serious. The driver of the car, a rather irresponsible young man, was subsequently charged by the police with dangerous driving and also failing to conform with the traffic signals. I think that he crossed an intersecting street in Oxford-street, with the danger signals against him, at a speed of something like 40 miles an hour. At the hearing before the Magistrate he pleaded guilty to both charges, was fined £10 with costs, and in addition his licence was endorsed and suspended for four years. The Magistrate stated that but for his youth (he was only nineteen) he would unquestionably have sent him to prison.

In due course I prepared the necessary data in order to support a claim by the girl against the owner of the car and the proof of negligence was so considerable that there was every prospect of the plaintiff obtaining judgment in a substantial sum by way of damages. In fact, the case was one which, at the time, I described as " cast iron."

Before issuing a Writ, however, I entered into negotiations with the insurance company representing the owner of the car in the hope of arriving at an amicable settlement.

During the course of these preliminary negotiations it was never suggested or even hinted by the insurance company that there was any question of the claim against the owner of the car (a lady) not being within the scope of the policy. The preliminary negotiations, however, broke down, as the company would not pay an adequate sum.

I had good reason to believe that neither the owner nor the driver of the car were persons of any substance, so that I was faced with the difficulty, that although there was every prospect of obtaining a verdict against the owner and /or the driver, our only chance of having the judgment satisfied would be through the owner's insurance company. Proceedings were started, and the owner in her defence put in by the solicitors acting for the insurance company, to my surprise denied that the driver of the car was her servant or agent, and stated that prior to the accident she had abandoned control of her car, and had placed it in the control and management of the person who was driving it at the time the accident occurred, over whom she never at any time had any control, and who had never at any time been her servant or agent. Alternatively, she pleaded contributory negligence.

That being the state of affairs, it was thought advisable to add the driver as a defendant, although he was not, so far as I could ascertain, covered by any insurance policy and had no means of his own.

Counsel had advised that if the car was not in the control of the owner at the time of the accident, she could not be held personally liable.

After the driver had been added as a defendant I had certain conversations with the solicitors for the owner's insurance company, who intimated that the company would certainly resist the claim so far as the owner was concerned, and even if I succeeded against her, I should in all probability be forced to arbitrate as to whether the company was liable as between themselves and their own assured, but they said they were prepared to arrange an amicable settlement and mentioned a specific sum, together with costs.

Now I was placed in a difficult position, because I had little doubt, and I was supported by the views of both leading and junior counsel, that if the action proceeded to trial we should succeed against the driver and the damages awarded would be at least three times as much as the sum offered by the insurance company.

Unfortunately, however, this young girl could not risk the expense of a long action, which might, conceivably, not succeed, or if it did succeed, result only in a judgment which would be in fact a " barren " judgment.

Ultimately, therefore, I had to accept the sum offered by the insurance company, and the matter was concluded in that way.

Now where was the protection to that girl which should have been afforded by s. 36 of the Principal Act ? The man, it is true, was punished for his offence and was prevented from driving a motor car for four years. The lady who lent him the car (and she seems to have been the most blameworthy) disclaimed all responsibility for the accident and escaped without any punishment whatsoever, whilst her own insurance company was able to get rid of the claim by payment of a sum, which, from their own point of view no doubt, represented a highly satisfactory and economical settlement.

I will turn now to Case No. 2, which was a much more serious one. It arose out of the tragic accident which occurred just outside the gates of Buckingham Palace on the 7th October, 1933. Most of my hearers may remember that a car, which was being driven down Constitution Hill, mounted the pavement outside Buckingham Palace at a time when " The Changing of the Guard " was in progress and a large crowd had collected, and that this error, if I may so call it, on the part of the motorist resulted in the death of four persons, three of whom were young aircraftmen in the Royal Air Force and one a civilian, and also in the severe injury of a fourth aircraftman, and minor injuries to various other persons. The driver of the car himself was also seriously injured. Owing to the place where the accident occurred and its tragic sequel, the case developed into one of some public importance, and there were extensive reports in the newspapers at the time.

What, in fact, happened was this : The driver of the car, having driven down Constitution Hill and reached the Palace, suddenly swerved off the road into a crowd of people who were standing with their backs to the road listening to the band which was playing inside the Courtyard of Buckingham Palace. The car was travelling at a considerable speed, and had it not come into contact with a lamp-post near one of the sentry boxes, there is little doubt that the casualties would have been very much greater in number than they were. They were serious enough in all conscience.

I was instructed to act on behalf of the parents of one of the aircraftmen who was killed, and also on behalf of the injured aircraftman who escaped with his life, but who was terribly mutilated. His feet were very badly crushed and both legs had to be amputated above the knees.

In the case of the aircraftman who was killed, the parents had only been dependent upon him in a small degree, so that a claim for compensation so far as his death was concerned (he was not married) did not assume large proportions, but the circumstances of the injured aircraftman were very different. He was an athletic young man of twenty-three, with a good record of service and every prospect of a long and successful career in the Royal Air Force. Moreover, he was subscribing a liberal proportion of his pay to his parents to assist in the upkeep of their home. He had, of course, to leave the Air Force consequent upon his injuries, after a long and tedious time spent in hospital, and the chances of his ever obtaining employment, maimed as he is, are extremely remote, so that here was a case, if ever there was one, where compensation on a very substantial scale would be fully justified.

Now what, in fact, happened? When the driver of the car had sufficiently recovered from his injuries, he was charged by the police with the manslaughter of the four victims and causing grievous bodily harm to the injured aircraftman. He was further charged with making false declarations when applying for a licence to drive and in his application for his insurance policy. It transpired that he did not disclose the fact that he was subject to epileptic fits. Moreover, it seemed at first from the evidence that the accident had, in fact, been caused by such a fit which overtook him when he was driving.

At the trial of the case at the Old Bailey, the evidence as to whether the driver was, in fact, suffering from an epileptic fit at the time of the accident was of a conflicting nature, and the Judge indicated that he could not direct the jury to find him guilty of criminal negligence.

The charges of manslaughter and of causing grievous bodily harm were therefore withdrawn. The accused changed his plea to one of "Guilty" on the charges of making false statements and was sentenced to three months' imprisonment in the second division, the Judge ordering that his driving licence should be endorsed, and that he should never drive a car again.

Now, in view of the false declarations, to which he had pleaded guilty, in his application for an insurance policy, the insurance company concerned, a highly reputable company, not unnaturally repudiated liability to indemnify the driver in respect of any claim made against him.

I should like it to be understood that I am not suggesting for one moment that the insurance company were not fully entitled, in the circumstances, to take the course which they did take, but it is a tragic circumstance in such a very serious case that, notwithstanding the protection which the 1930 Act was supposed to afford to the general public, such a state of affairs should have been possible.

Once again I was placed in the unfortunate position that if I commenced civil proceedings against the driver, although there would have been no difficulty in establishing negligence, and very serious negligence, on his part and obtaining a judgment, certainly in the case of the aircraftman who had his legs amputated, for a considerable sum, the judgment would have been valueless, because the insurance company could have refused to pay a penny and the driver of the car had no means with which to satisfy such a claim.

However, I continued my negotiations with the insurance company concerned, and ultimately that particular company behaved, I considered, very well indeed. I am not giving any secrets away, because the result of the case, although the negotiations were strictly private, was published in the press at the time. How that happened I do not know, but I suppose the matter being one of general public interest, the information leaked out. At all events, the insurance company paid to the man who was injured for life an *ex gratia* sum of £2,250 and an additional sum for costs, and in the case of the dead aircraftman they made a grant of £100 to the parents plus a sum for costs. Grants on a similar scale were made to the relatives of each of the other three men who were killed.

As I have said, I have no complaint against the insurance company in that particular case, and I will say a general word on the attitude of insurance companies before I conclude this paper. This case, to my mind, however, again demonstrates in a most definite manner the utter failure of the 1930 Act to protect the innocent pedestrian who may suffer very serious injuries or death at the hands of the careless or criminal motor driver.

I want to refer to two more cases, one of which occurred in my own experience and another which was reported in the public press.

In the first of these cases my client, a lady, was knocked down by a motor cycle whilst she was crossing the roadway near Kew Bridge. She sustained a fracture at the base of the spine. An operation was performed and fragments of bone were removed, but the medical evidence showed that it would be some considerable time before she recovered. It was quite a serious accident and this woman, who was accustomed to riding and other activities, is now leading practically an invalid's life.

Once again I was faced with the same sort of trouble as occurred in the other two cases. Within a few days of my having been instructed, the claims assessor, who was acting on behalf of the motor cyclist's insurance company, came to see me, and stated that, apart from any question of negligent driving, so far as the cyclist was concerned, the company were repudiating liability to indemnify the driver because he (the driver) had made false declarations in order to obtain his insurance policy. It was, however, intimated that the company might be disposed to make some reasonable offer.

Here, again, I was faced with a young man of seventeen or eighteen years of age, with no position and no financial resources out of which to pay damages if they were awarded.

My client was the widow of an officer, who died as the result of disease contracted in the war, living on a very small pension with a child to support. She could not possibly enter into litigation which might be uncertain and costly. I was therefore forced to make the best settlement possible with the insurance company, who behaved quite well, but the sum received was, of course, inadequate compensation having regard to the injuries sustained.

The fourth and last case to which I want to draw the attention of my hearers is that of *McCormick* v. *The National Motor and Accident Insurance Union Limited*, a report of which appeared in *The Times* newspaper on 20th July last. That was a case where an action was brought by two persons to recover from the defendants (the insurance company) under the Third Parties (Rights Against Insurers) Act, 1930, the sum of £871 odd, being the amount of a judgment together with taxed costs which they had recovered in consolidated actions against one, Mr. Dadswell, who had taken out a policy of insurance with the defendant company.

I do not think I need go into the details of the accident which gave rise to the proceedings.

Mr. Dadswell, who was sued by the two plaintiffs in the first place, went bankrupt after judgment had been obtained, and the plaintiffs then sued the insurance company to recover the amount of the judgment and costs, on the ground that the money was due from the defendants to Mr. Dadswell under his policy, but that, in the events which had happened, the money was payable by the insurance company direct to the plaintiffs. The insurance company denied that Mr. Dadswell was effectively insured under the policy in question, and they claimed the right to repudiate liability on the ground that in his proposal form the said Dadswell had given his name incorrectly and had also stated that he had not been convicted of any offence in connection with the use of a motor vehicle. It transpired that both answers of Mr. Dadswell were untrue. A few days before the first action, the insurance company discovered Dadswell's real name, and during his cross-examination on the second day of the trial the insurance company's legal representatives received information about his conviction and fine in 1925. On 29th May, 1933, about three or four days after the conclusion of the hearing of the first action, the insurance company repudiated their liability under the policy.

Mr. Justice Swift gave judgment in favour of the plaintiffs for the amount claimed, holding that when the defendants' legal advisers, who were conducting the first action for Dadswell, learned that he had given inaccurate information in the proposal form, they ought to have withdrawn from the case, instead of waiting until later to repudiate liability under the policy. The insurance company appealed, and the appeal succeeded.

The late Lord Justice Scrutton, in giving judgment, said that Mr. Justice Swift had decided the case on the ground of estoppel, namely, that the defendants had certain information about the inaccuracy of one of Dadswell's proposal forms and did not repudiate liability immediately they obtained their information in regard to the inaccurate statements made by Dadswell.

In his (Lord Justice Scrutton's) opinion, the duty to take action did not arise until the company knew all the facts and had reasonable time to make up its mind, and therefore the foundation of the judgment of Mr. Justice Swift had gone.

In this case also it will be seen that the insurance company succeeded in establishing that they were immune from liability.

Now, I want to make it apparent that the conclusion to be drawn from these cases which I have cited is that the whole position is too one-sided, and that insurance companies certainly could, prior to the passing of the recent Act, escape liability far too easily.

It must not be assumed from any observations in this paper that I am attacking insurance companies as a whole. Quite the contrary is the case. My own experience of insurance

companies in relation to claims arising out of injuries to third parties by motor vehicles, and I am speaking of course of reputable companies, is that they almost invariably behave with great fairness, and when they are approached with courtesy and candour they do endeavour to do the fair and reasonable thing. Insurance companies, however, like individuals, vary, and I have no doubt that there are some "mushroom" companies which are not corporations of substance. With such institutions the state of the law as it existed before the passing of the recent Act was liable to encourage a second-rate company to escape liability for a substantial and honest claim on grounds which were the reverse of honourable.

The great difficulty to my mind up to the present has been the secrecy which the law has permitted as between the insurance company and the assured. The solicitor acting for the injured or third party was always in the difficulty that he was not entitled to see the policy of insurance. He frequently had to be satisfied with the statement of the insurance company or their legal advisers that the company was entitled to repudiate the claim on grounds which he (the solicitor acting for the third party) was not in a position either to verify or disprove.

Now let us look at the Act which has just been passed. Under Section 6 of Part 1, which relates to the "Regulation of Motor Vehicles," there is a provision for "Tests of competence to drive of new applicants for Licences." This is certainly a very important enactment, but when one turns to Section 10, which is the first section in Part 2 of the Act relating to "Amendments as to Provision against Third Party Risks," one is a little puzzled perhaps, and driven to the conclusion that the framers of the Act, although they realised that something had to be done more effectively to protect third parties, were at pains to draft a clause or section which would enable the insurance company (in spite of the new provisions) to creep out of their liability if an opportunity arose.

Sub-section (1) of s. 10 is sufficiently clear, and it is certainly an important provision, because it lays down that once a certificate of insurance has been delivered under sub-s. (5) of s. 36 of the Principal Act, the insurance company must pay to the third-party the amount of any judgment which he recovers against the assured, notwithstanding that the company might have been entitled to avoid or cancel the policy for reasons which I have indicated in this paper.

Unfortunately the next sub-section proceeds to deal with cases where the insurance company shall be protected from liability, and under sub-s. (2) (*c*) it is provided that no liability shall exist if, before the happening of the event which was the cause of the death or bodily injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein.

The words "by virtue of any provision contained therein" are to my mind a little ambiguous, but I gather from one who is an expert on these matters, that third parties are not likely to suffer by reason of that particular sub-section.

Sub-section (3) of s. 10 is perhaps the most important provision in the whole Act, and it should go a long way towards preventing insurance companies from endeavouring to evade liability in cases where the reason given is of a kind which is highly technical and not serious. I can well believe that in view of that sub-section any reputable insurance company will now hesitate before they dare to raise some trivial objection, as, for example: that the assured had in his proposal form stated that he had driven a car for five years, when in fact he might only have driven one for three years.

It is well known that in making out and signing the proposal forms applicants for insurance receive assistance from the insurance companies' agents, who are anxious to secure business, and I have little doubt, without making any sweeping attack against insurance agents, that the care which should be exercised in filling up the particulars on the proposal form is not always exercised.

Under sub-s. (3) of s. 10, the insurance company, if they are going to endeavour to escape liability, must now bring an action within three months after the commencement of the proceedings in which the judgment, on which their liability is founded, is obtained, and the company must obtain a declaration that, apart from any provision contained in the policy, they were entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular, or if the company has avoided the policy on that ground, that they were entitled so to do apart from any provision contained in it.

Other sub-sections in s. 10 deal with what I would call procedure, and are not of great importance, although s. 12, dealing with "the avoidance of restrictions on scope of policies covering third-party risks," is worthy of attention.

Now those who will criticise this paper may be inclined to say that the new Road Traffic Act of 1934 is an Act of the highest importance: that it recognises clearly that all the complaints in the earlier part of my paper were well founded and that it has made an honest attempt to deal with those complaints and to secure for the third party and the public at large the protection which the Principal Act did not give.

I am not satisfied personally with the new Act. I do not think that it will get over all the difficulties by any means. Section 10 of the 1934 Act is a cumbersome section which has to be read with considerable care before it is properly understood. I think it contains several loopholes and will give rise to any amount of litigation, and we are still faced, moreover, with this fundamental difficulty. Weekly, or I might almost say daily, the roads all over the country are becoming more dangerous for the ordinary users and particularly pedestrians. The Legislature has decreed that all users of motor vehicles must be insured, but even after the passing of this new Act, there is no guarantee whatever that a person who is seriously and permanently disabled owing to the negligence of the driver of a motor vehicle will, in fact, receive any compensation whatsoever.

I consider, and I have always considered, that the insurance companies are given too much favourable consideration. It seems only logical and in every way fundamentally sound that once an insurance company agrees to cover an applicant against the risk for which he desires to be insured *and accepts a premium* the company should be forced to pay, if an accident arises through the negligence of the assured, no matter what the other circumstances may be.

Under present conditions a company may have accepted premiums from the assured for a number of years; he then becomes involved in an accident due to his own negligence, someone is severely injured or killed, the insurance company repudiates liability on grounds which the law considers adequate, and yet the company is entitled to retain the premiums which they have received. That condition of affairs is, to my mind, grossly unfair, because to cancel their contract of insurance and at the same time to retain the benefits of the contract which they regard as bad from its inception, is, in my view, hopelessly unsound both in law and in equity.

Now I am told that the objections to such a course as I have just proposed are principally that insurance will become practically impossible and that the rates of premiums would be increased to such an extent that the whole thing would become unworkable. Personally, I do not believe that such a situation would arise, because I have sufficient confidence in the overriding desire of insurance companies to transact business, and remunerative business, to feel that they would readily discover some way out of the difficulty, whatever it might be.

I am also told that if an insurance company were compelled to meet claims, whatever the circumstances, once they had accepted a premium, it would open the door to all kinds of knaves and vagabonds with bad motoring records being able to obtain policies of insurance.

I do not think that the number of rogues per head of the population is considerable. After all, the majority of people in the country are still, I think, decent, respectable and law-abiding citizens.

Similarly, on the question of medical unfitness to drive. No doubt there are epileptics wandering about, but here again, they are not considerable in number. Insurance companies could prescribe some system of medical examination before accepting a risk, although I am told that diseases like epilepsy cannot be discovered on a medical examination. Whether that be so or not I really cannot say, but at all events, I do not think that these objections provide an adequate answer to the amendments suggested by this paper.

I am informed, lastly, that if such an enactment were passed there would have to be some form of compulsory State Insurance. Well, it may be that we shall come to that, but whatever the future holds, and whether the new Act which is now on the Statute Book is going to remedy the position to some extent or not, I am convinced that we have not got to the end of this trouble yet.

In conclusion let me say this: I am not posing before you as an expert on these matters or as a prophet; I am just a plain simple man dealing with a topical and serious proposition. I speak not only as a lawyer but also as a keen motorist myself—but I am not speaking on behalf of motorists. We are able to look after ourselves and are often assisted out of our difficulties by the "knock for knock" arrangement between the insurance companies.

This paper is addressed to you on behalf of the primary users of the road. It is not a plea for the corpulent merchant driving down the Mall in his Rolls-Royce but for the poor charwoman crossing the Buckingham Palace Road to and from her duties, to whom, perhaps, all mechanical vehicles are

things of horror. She is as much entitled to the use of the King's highway as any merchant or City magnate. If she is knocked down and injured for life by a negligent and possibly drunken young man, driving a dangerous vehicle, there is no guarantee whatsoever given to her by the Legislature that she will ever in fact receive one single penny piece by way of compensation.

That is a state of affairs, which, in my view, cannot continue permanently, and if the only immediate effect of my address is to promote discussion in this hall which may ultimately reach the ears of our law makers in the House of Commons, then I shall feel that the preparation and reading of this paper has not been in vain.

Sir REGINALD POOLE remarked that in order to satisfy the counsel of perfection, Mr. Barry O'Brien suggested that the insurance company should stand in the ordinary position of *caveat emptor*, and look out for themselves when they issued a policy. With this suggestion he was definitely in agreement. Mr. O'Brien had, however, not mentioned that, assuming that the company were deceived by the assured, they had the right of action against him in regard to the false statements he had made on taking out the policy. When it came to getting money out of a penniless assured, the insurance company, rather than the unfortunate injured person, should be put to the risk of taking proceedings.

Mr. DOUGLAS T. GARRETT drew attention to Mr. O'Brien's complaint that an insurance company might repudiate liability on adequate legal grounds and yet be entitled to retain the premiums which they had received. He doubted whether this was quite a fair statement. The general principle of liability was that if a consideration failed and the company had never been on risk, then, provided that there had been no fraud or illegality, the premium was returnable. The subject-matter had never been in peril, and the only case in which the company could escape liability and still retain the premium was where the assured had been guilty of fraud or illegality. In Mr. O'Brien's "Irish" case—that of the young woman who had been knocked down in Oxford-street—the injured party had failed to recover not through any vice in the insurance position, but because it had been said that the owner of the car had abandoned the control and management of that car. By reason of the common law, Mr. O'Brien and his client had been advised that this was an effective answer to any claim against the lady who owned the car. So long as the contract of insurance was a contract of indemnity it was inevitable that that answer in the mouth of the owner should also be an answer in the mouth of the insurance company, who contracted to indemnify her. In the other type of case—the Buckingham Palace case—the insurance company escaped because there was no effective contract of indemnity at all. The assured had made a false statement which went to the root of the contract and avoided it.

Section 10 of the 1934 Act laid down that once a certificate of insurance had been delivered under the principal Act, the insurance company must pay the third party the amount of any judgment which he recovered against the assured, notwithstanding that the company might have been entitled to avoid or cancel the policy. One was therefore left in practice with the first type of case, in which the owner was able to avoid liability under the common law, and the insurance company automatically escaped. This result did not seem to indicate a defect in legislation.

It was necessary to observe a due sense of proportion in this matter, and to bear in mind that the cases to which Mr. O'Brien had drawn attention were hard and exceptional, and could only arise in a certain combination of circumstances: the insolvency of the negligent person and some failure to disclose a material fact which enabled the insurance company to avoid liability. In tens of thousands of cases the injured persons were compensated by the insurance company. It should not be forgotten that the ordinary man ran risks of death or damage every day from the negligence of persons other than motor drivers for whom no elaborate system of insurance existed. It would be equally true to say that if a man went into a chemist's shop with the intention of buying a digestive mixture and was accidentally given poison by mistake, he would be in the position described by Mr. O'Brien at the end of his paper: that no guarantee whatsoever was given to him by the legislature that he would receive one single penny piece by way of compensation. He would not consider himself personally aggrieved by this position.

Mr. BARRY O'BRIEN retorted that the Irish case had been settled not because there was no case against the owner of the car. This had still to be decided. It had been settled because, if he had succeeded against the owner, the insurance company would then have said to him: "We are not going to pay you; you will have to arbitrate because we are not liable as to our own assured." It was an extraordinary thing that the moment a question of payment was involved, an insurance company always discovered things about the assured that they appeared never to have attempted to discover when he applied for his policy. Many prominent persons in the insurance world had told him for a fact that, whatever arose, premiums were not returned. He did not agree that the cases he had cited were hard and exceptional. They had all, except for the fourth, occurred during the preceding twelve months in the experience of one practitioner, and other practitioners could doubtless quote similar cases. The number of people killed on the roads was 160–180 a week, and it was shameful that some of these persons should be in such a position that they or their relatives could not obtain compensation because insurance companies were better able to protect themselves, or to escape through the loophole left through sub-s. (3) of s. 10 of the 1934 Act.

(*To be continued.*)

The Banquet.

Mr. W. W. GIBSON, President of the Newcastle-on-Tyne Incorporated Law Society, took the chair at the banquet, which was held in the Old Assembly Rooms on Tuesday evening. After the gathering had honoured the health of the King, Sir HARRY PRITCHARD proposed the toast "Bench and Bar." He supposed that the administration of justice was not more efficiently performed in any country than in England. The system had met with much criticism that day; no doubt it had imperfections, and its success was largely due to the personality of the judges, to their unquestioned ability, their wide experience and their wonderful patience. Few other men had so constantly to exercise the Christian virtue of suffering fools gladly. The legislature had that morning been criticised by one of its own members; government departments had been criticised; but it was noteworthy that one rarely heard serious criticism of the Bench. A litigant, whether successful or not, generally recognised that he had a fair run for his money. The remuneration of High Court judges had been fixed many years ago, when money had possessed a very different value, and had recently been substantially curtailed. A High Court judge might, in fact, regard his remuneration in much the same way as the clown in "Love's Labour Lost," who had looked at the coin in his hand and said "Remuneration? Oh! that's the Latin word for three farthings." The powers that be, recognising the difficulties in which they had placed the judges, had taken a fortnight off their holidays to give them less opportunity of spending what was left. It was important to solicitors that the members of the Bar whom they entrusted with their work should be full of vigour, and their health might fittingly be drunk. He had many friends at the Bar to whom he was greatly indebted for the manner in which they put forward his cases, frequently succeeding where he thought they would have failed. The Lord Chancellor in "Iolanthe" had made as a young man, among others, the resolution that he would always read his briefs through. Counsel would receive very few briefs if he did not read them through; solicitors expected a good deal more than that and generally got it. There might be differences of opinion between the Council of the Bar and that of The Law Society, usually on questions of encroachment on each others' functions. These differences were, however, generally settled amicably, for both sides realised that the interest of the client was paramount.

Judge RICHARDSON replied for the Bench. He admitted that judges relied for their success almost entirely on solicitors. His experience as a County Court judge in the neighbourhood of Newcastle had shown him that there were very few fools to suffer gladly, and a great many people who were ready to help the Bench considerably. Provided that the unsuccessful litigant got a fairly long hearing, he went away satisfied. The County Court bench owed a great debt of gratitude both to barristers and solicitors, who also appeared before it, for judges could not get through their work without the help of the advocates. The remuneration of a High Court judge was princely in comparison with that of his County Court brother, who received exactly the same as he had in the early days of limited jurisdiction and an 8d. income tax. If any salaries were reviewed, the County Court ought to come first.

Mr. J. M. BAILY, replying for the Bar, expressed doubt whether he came within the category of those who suffered fools gladly, or of those who were suffered. The President in his address had spoken of education. He wished that the Bar could revert to the old position which had survived until shortly before he himself had been called: a complete absence of examination. The Bar had not been any the worse for it. There was far too much to assimilate in the way of law, and only experience would enable a lawyer to cope with the present vast masses of statutes and reports. The period of

ten years' probation for the Law of Property Act was all too short for lawyers to adapt themselves to a change in their whole mode of conveyancing life and to master an enormous body of new legislation and its practical use. A large number of people had not yet grasped the idea of it. Many difficulties had been met by amendment, but many remained to solve. Some of the Law Societies had been instrumental in obtaining amendments.

The decentralisation of the law was regarded from different angles by solicitors in London and in the provinces. Newcastle solicitors considered it an unfair hardship to have to take their cases to London. He commended the suggestion of the Newcastle Law Society to divide the country into six districts. It might at first be difficult to attract a sufficiently capable local Bar to centres which did not already possess a considerable number of members. Northumbria had an interesting local court, the Durham Court of Chancery. This was the last survivor of the days when the Bishop of Durham had been a great prince standing between Southern England and the raids of the Scots. It dated back to pre-Norman times and was older than the Chancery of Lancaster, with its greater importance and larger jurisdiction. If decentralisation came, the Durham Court might well be given extended jurisdiction and adapted to the new needs.

The City and County of Newcastle.

Sir Dennis Herbert, M.P., proposed the health of Newcastle in a witty speech. He had to remember, he said, not only that Newcastle was a city, but that it was also a county. If he should fall into error he hoped that the Lord Mayor would not copy the error of the Mayor of Oxford at the last banquet, who, reproving a speaker for calling Oxford a town, had stated that Oxford was no mean city and that it was a city set upon a hill. This situation had not been apparent to its visitors. Newcastle had many things of which it might legitimately be proud, and no doubt many more things of which it actually was proud. It had great importance for the rest of the country. In centuries gone by it had been a great bulwark against the envious and acquisitive Scot. To-day its citizens took care of themselves and passed all the Scotsmen further down south. This might perhaps have been a reason for the city's prosperity in the past. Northumbrians were rightly regarded as combining brain and brawn in an unusual degree, whereas in the South efforts were usually made to form partnerships of individuals possessing one quality but not both. The city's original name had been Monkchester, indicating an ecclesiastical origin. Even if Newcastle had slid down from grace and become worldly, at any rate it had recently become a cathedral city, but he was puzzled to know why the Dean of the cathedral was called the Provost. Newcastle, in common with other towns of the North, had gone through a bad time and had shown the true English spirit in meeting it, and the Englishman's innate respect for law and order. He hoped that those great qualities would reap their reward in the future.

The Lord Mayor (Mr. J. Leadbitter) said in reply that he felt somewhat nervous at standing before a gathering of solicitors. He was not afraid of solicitors, nor of members of the Bar and Bench, but he did not like to encounter such a large number of them together. As a tailor, he explained, his forte lay rather in dressing than in addressing. Newcastle had once produced a giant in the legal profession, but John Scott would never have become Lord Eldon and Lord Chancellor of England if he had not become captivated with one of the local beauties and eloped with her. Newcastle was more famous for its men of genius in the mechanical world, but William Armstrong had been a solicitor for some time before he had become an engineer and founded the world-famous firm which bore his name.

He had recently had unusual facilities for coming into contact with exponents of the law. As a Sheriff and as Lord Mayor he had met judges of Assize and the Recorder. Much was visible from the Bench which could not be seen from the Bar. He had found that solicitors did the work, common or garden barristers did the talking, and the King's Counsel scooped the pool. Counsel were scrupulous about stating the facts and the truth and sometimes took a long time to do it, but were at great pains to encourage witnesses to say the opposite, and not infrequently succeeded. They addressed the jury with ingenuity and paid them much respect for their intelligence and judgment, but expressed a different opinion afterwards if the verdict went against them. The people of Newcastle had long recognised the inadequacy of the remuneration of His Majesty's judges, and supplemented it in a unique way. At the close of the session each judge of Assize was presented with a gold coin called "dagger money," in order to enable the judge to hire protection against the freebooters who had infested the road between Newcastle and Carlisle, the place of the next Assize.

The Lord Mayor related a number of diverting local stories including that of a witness who had given his address as "Paradise," and said that he had lived there since before the Flood. The Flood had not been a world-wide but a local cataclysm, and Paradise was by no means a part of Newcastle in which any guest would desire to spend the hereafter. Newcastle had so many Deans, including Dean-street and the famous beauty spot Jesmond Dene, that it had perhaps tired of the name and substituted that of Provost.

The Sheriff (Mr. W. Locke), who also replied, said that Newcastle regarded itself as the metropolis of the north. The younger members of the local Bar included some very able men who would make great names for themselves in the future.

Sir Robert Bolam, proposing the health of The Law Society, related that its forerunner of 200 years ago had held festivals of the same kind as the present one. Their meetings had taken place in a famous tavern, and their deliberations had doubtless been tempered with similar hospitality. He did not fully understand the meaning of the terms "Bench and Bar," having associated them in his ignorant days with the traditional furniture of a prison cell. He had the haziest idea of the difference between a barrister and a solicitor. He had heard that solicitors were, as it were, the general practitioners of the legal profession. General practitioners were the backbone of medicine, and other gentlemen did work corresponding to that of the barristers. Sir Robert referred to Michael Clayton, the last Chairman and first President of the Newcastle Law Society and the third son of Nathaniel Clayton who, 150 years ago, had founded the firm of Clayton and Gibson, whose representative was in the chair that evening. The Law Society was unique in that, although it was a voluntary body, it was charged with the education, examination and life of its profession, and with the task of keeping its roll clean of undesirable elements, and of assisting in the reformation of the law when necessary.

Mr. H. R. Blaker, in reply, paid a tribute to Sir Edmund Cook and his staff. The name "London Law Society" was, he said, an entire misnomer, for The Law Society represented the whole profession, both in London and in the provinces. It was in the closest touch with the ninety or so provincial Societies of which the Newcastle Society was one of the oldest and most important. The Berks, Bucks and Oxfordshire Society was represented by Mr. S. E. Wilkins, of Aylesbury, its President, and Mr. J. C. Gamlen, of Oxford, its Past-President. He liked to see the younger members of the profession taking an interest in the provincial meetings and the other work of The Law Society, for they would have to carry on the great traditions of the profession and look after its interests in the future. He congratulated Mr. D. E. Braithwaite, Mr. T. G. Arnott, and Mr. R. G. Clayton, three articled clerks of Newcastle, and their principals, on their success in the recent Honours Examination of The Law Society. Medical men eased the bodily ailments of their patients, but solicitors had the privilege of easing the minds of their clients in their various domestic, business and financial worries. Solicitors held many official positions, and would have to bear a large part in the great legal changes now going on.

Mr. W. W. Gibson then proposed the health of "Our Guests." The lay press, he said, making allowance for the technicalities of the law, served the profession well and rendered good reports of legal proceedings, so that lawyers had nothing to complain of in its attitude, excepting, perhaps, that of a section sometimes referred to as the "stunt" or "yellow" press. The legal press were more closely connected with the profession, and understood it better, but there was no difference in the quality of the spirit with which both branches performed their duties. The Provost of Newcastle and the Dean of Durham represented the clergy; the Provost had been long enough with them to show them that he was a sportsman and a man. The Dean had not been there quite so long and was not so near to them, but the people of Newcastle had been keeping an eye on him. He had been the distinguished headmaster of a celebrated school, and would prove no less worthy than many of his eminent predecessors. There were also present the President of the local Society of Antiquaries, who would show visitors the Roman wall. Several representatives of the trade and commerce of the city were present, including the Chairman and Chief Engineer of the Tyne Improvement Commission. This body had been founded in 1850, and had changed the river from a muddy trickle into a magnificent waterway, at the cost of about £70,500,000. Sir Robert Bolam was a medical man but not, as had been suggested, a specialist in lunacy. He was a member of the General Medical Council, which had an extraordinary power of finding doctors guilty of infamous conduct. It was a mysterious body, and a good many solicitors did not know how it had obtained its powers, but there they were.

THE DEAN OF DURHAM quoted from the memoirs of Lord Halifax, a minister and friend of Charles II. Dealing with the subject of laws, this statesman had written: "Laws are generally not understood by three sorts of persons: by those that make them"—of whom two representatives were present—"by those that executed them"— a class in which the Lord Mayor and Sheriff might be included—"and by those that suffer if they break them"—in which class he certainly put himself. Lord Halifax had also remarked that men seldom understood any laws but those they failed to keep. Another maxim, with which The Law Society would probably not agree, was: "If the laws could speak for themselves they would complain of the lawyers in the first place." And another, "There is more learning now required to explain a law made than went to the making of it," probably would not appeal to the gentlemen who represented solicitors in Parliament. The Society would prefer the words of W. S. Gilbert—

"The law is the true embodiment
Of everything that's excellent,
It has no kind of fault or flaw,
And you, my friends, embody the law."

Sir REGINALD POOLE, in proposing the health of the Chairman, described Mr. Gibson as a remarkable person, a man of many parts, who had in his time been a distinguished exponent of Rugby football, who was an antiquarian of considerable merit, and a man of extensive knowledge. His friends in Newcastle had told Sir Reginald that one who approached Mr. Gibson's office would discover himself in an atmosphere of sweet reasonableness, mild diffidence, and cheery acquiescence, and would leave feeling that all he had gone to get had been gained. Rumour might be a lying jade; Sir Reginald preferred to think that she was. Mr. Gibson was a sturdy exponent of what he thought to be the right thing, and a militant warrior in the cause of his client.

Mr. GIBSON expressed curiosity to know the source of his information. He imagined that he could place his finger on one or two friends who had been trying to mislead Sir Reginald.

Among those present were: The Lord Mayor of Newcastle-upon-Tyne, Judge Richardson, Judge Thesiger, Sir R. Bolam, Sir E. R. Cook, Sir D. Herbert, Sir C. Morton, Sir R. Poole, Sir H. Pritchard, the Dean of Durham (Dr. Alington), the Provost of Newcastle-upon-Tyne, the Sheriff of Newcastle-upon-Tyne, Mr. R. Armstrong, Mr. J. M. Baily, Mr. D. L. Bateson, Mr. J. T. Batey, Mr. W. C. Crocker, Mr. M. T. Crombie, Chairman of the Solicitors' Benevolent Association, Mr. H. P. Everett, Mr. D. T. Garrett, Mr. W. W. Gibson, President of the Newcastle-upon-Tyne Law Society, Mr. W. Glasgow, President of the Liverpool Law Society, Mr. H. C. Haldane, Mr. J. W. B. Hodgson, President of the Manchester Law Society, Mr. R. F. W. Holme, Mr. A. M. Ingledew, Mr. H. F. Jessop, President of the North Wales Law Society, Mr. P. R. Longmore, Secretary of the Herts Law Society, Mr. W. E. Mortimer, Mr. W. R. Mowll, Mr. G. S. Pott, Mr. R. Pybus, Mr. R. S. Russell, President of the Sunderland Law Society, Mr. C. Smith, President of the Sussex Law Society, Colonel G. R. B. Spain, Mr. F. C. Stigant, Chairman of Associated Provincial Law Societies, Mr. O. J. Taylor, President of the Leicester Law Society, Mr. S. E. Wilkins, President of the Berks and Bucks Law Society, Mr. G. E. Wilkinson, Vice-President of the Newcastle-upon-Tyne Law Society and Mr. J. C. Wilson, President of the Northampton Law Society.

Societies.

University of London.

FACULTY OF LAWS.

A course of Public Lectures on "Comparative Jurisprudence: Select Topics in Modern Civil Law," will be given by Sir Maurice Sheldon Amos, K.B.E., M.A., K.C., Quain Professor of Comparative Law, at University College, on Thursdays, at 5.15 p.m. First Term (ten lectures), beginning 4th October; Second Term (ten lectures), beginning 17th January.

Syllabus: These lectures will deal with select topics of civil law, treated comparatively, and will treat in the first term of (*a*) corporations, and (*b*) of laws of inheritance; and in the second term of marriage. The lectures are open to the public without fee or ticket.

Professor Sir Maurice Amos will hold a Seminar on Jurisprudence on Wednesdays, at 4 p.m., beginning 10th October. Particulars of fees for this and other courses in the Faculty of Laws may be obtained from Mr. C. O. G. Douie, Secretary, University College, Gower-street, W.C.1.

Rules and Orders.

THE ROAD TRAFFIC ACT, 1934 (DATE OF COMMENCEMENT) ORDER (No. 2), 1934, DATED SEPTEMBER 11, 1934, MADE BY THE MINISTER OF TRANSPORT.

Whereas by Sub-section (3) of Section 42 of the Road Traffic Act, 1934,* hereinafter called "the Act," it is enacted that the Act shall come into operation on such day or days as the Minister of Transport may appoint, and the Minister may fix different days for different purposes and different provisions of the Act.

Now, therefore, the Minister of Transport in the exercise of the powers so conferred upon him and of all other powers enabling him in that behalf hereby appoints and orders as follows:

1. The provisions of the Act specified in the First Column of the Schedule hereto shall come into operation for the purposes specified in the Second Column thereof on the first day of October, 1934.

2. The Interpretation Act, 1889,† applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

3. This Order may be cited as "The Road Traffic Act, 1934 (Date of Commencement) Order (No. 2), 1934."

The Schedule.

Provisions of the Act.	Purposes for which provisions are to be brought into operation.
PART I.	
Section 2 and the First Schedule	For all purposes.
Section 3	
Section 4	
Section 5	
Sub-sections (5), (7) and (8) of Section 6.	
Section 7	
Section 8	
PART III.	
Section 19	
Section 20	
Section 21	
Section 22	
Section 23	
PART IV.	
Section 24	
Section 27	
Section 28	
Section 29	
PART V.	
Section 33	
Section 34	
Section 35	
Section 36	
Section 37	
Section 40 and the Third Schedule	For the purpose of amending Section 36 of the Road and Rail Traffic Act, 1933.

Given under the Seal of the Minister of Transport this eleventh day of September, 1934.

(L.S.) 7398 F.G.T.

A. T. V. Robinson,
An Assistant Secretary.

* 24-5 G. 5. c. 50. † 52-3 V. c. 63.

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Legal Notes and News.

Honours and Appointments.

The Lord Chancellor has appointed Sir REGINALD MITCHELL BANKS, K.C., of 72 Lairgate, Beverley, Yorkshire, to be Judge of the County Courts on Circuit No. 16 (Hull, etc.) in the place of His Honour Judge Beazley, who has been appointed to Circuit No. 38 (Edmonton and Wood Green, Ilford, etc.). The date of the appointment is the 24th September, 1934.

The Secretary of State for Scotland, after consultation with the Lord President of the Court of Session, has appointed Mr. JOHN MITCHELL and Mr. JAMES SEMPLE MACKINTOSH, B.L., S.S.C., Assistant Clerks of Session, to be Depute Clerks of Session with effect from 28th August and 9th October, respectively.

Mr. HUBERT MAXWELL DAVIES, solicitor, of Cardigan, has been appointed Town Clerk of Cardigan. Mr. Davies was admitted a solicitor in 1922.

Professional Announcements.

(2s. per line.)

Messrs. Clifford-Turner & Co. announce the change of their address, as from the 29th inst., from 81/87, Gresham-street, London, E.C.2, to 11, Old Jewry, London, E.C.2. Their telephone numbers and their address at 44, Gresham-street, E.C.2, will remain unchanged.

Wills and Bequests.

Mr. Bernard Baines, solicitor, of Streatham, left £10,317, with net personalty £9,677.

Mr. Arthur Charles Kent, solicitor, of Westminster, left £29,100, "so far as can at present be ascertained," with net personalty £23,919. He left £300 to the Court of the Watermen's Company for the Ditchling Cottage Home and £100 to the Greycoat Hospital for a prize for English essays.

Mr. Sebastian Henry Petre, retired solicitor, of Ingatestone, left £28,975, with net personalty £16,150.

Mr. Thomas Watkins, solicitor, of Ponteg, left £12,991, with net personalty £12,835. He left £100 to Pontypool and District Hospital.

Mr. Idris D. Evans, of Chiswick, deputy to Mr. Ingleby Oddie, the Central London coroner, left £5,554, with net personalty £5,405.

Mr. Charles Stanley Hadaway, solicitor, of Monkseaton, Northumberland, left £11,250, with net personalty £4,493.

Mr. James Dalton, solicitor, of Stamford, left £11,417, with net personalty £11,336.

Mr. Henry Field, solicitor, of Leamington Spa, left £70,416, with net personalty £59,994.

Mr. John Edward Healy, of Dublin, Barrister-at-Law, editor of the *Irish Times* since 1907, left property in England of the value of £3,198.

OFFICIAL STATISTICS.

Blue Books and White Papers have lost much of their mystery in recent years. The references to facts and figures obtained from official sources which appear almost daily in the press make the extensive nature of the statistical information collected by Government Departments a matter of common knowledge. But the inquirer who wishes to ascertain for himself precisely what figures are available on a particular subject, and where they are to be found, needs an alphabetical index to the contents of all official publications containing statistics.

This need is met by the *Guide to Current Official Statistics*, published annually by H.M. Stationery Office. Vol. Twelve (price 1s. net, post free 1s. 5d.) consists of a systematic index of nearly 300 pages to the statistical publications of 1933, giving details of the information which they provide on each subject. The source of the statistics is indicated by a simple system of key numbers referring the inquirer to a list of the titles and prices of the volumes indexed; and an indication of the wide scope of the data covered by the *Guide* is afforded by the fact that this list occupies a further fifty pages. Certain of the earlier volumes, dealing with the statistics of previous years, are also available at the same price.

NEW STATUTE.

The following new statute comes into force on the 1st October, 1934:—

Gas Undertakings Act, 1934.

THE RECORDERSHIP OF LONDON.

The Court of Aldermen will be meeting shortly to fill the office of Recorder of London, now vacant by the death of Sir Ernest Wild, K.C. The salary attached to the office is £4,000 per annum. Applications addressed to the Lord Mayor and Court of Aldermen should be sent by Tuesday next, 2nd October, to the Town Clerk, Guildhall, E.C.2.

NUMBERS OF SOLICITORS' AND CONVEYANCERS' CERTIFICATES ISSUED.

Year.	England.	Scotland.	Great Britain.
1923–24	15,126	3,126	18,252
1924–25	15,206	3,133	18,339
1925–26	15,240	3,140	18,380
1926–27	15,201	3,115	18,316
1927–28	15,137	3,093	18,230
1928–29	15,336	3,079	18,415
1929–30	15,459	3,057	18,516
1930–31	15,542	3,020	18,562
1931–32	15,676	2,970	18,646
1932–33	15,807	3,001	18,808

HOUSING AND TOWN-PLANNING CONFERENCE.

A national housing and town-planning conference is to be held at Southport from the 23rd to the 26th November. The conference will be attended by delegates from local authorities in England, Wales, and Scotland, and will be addressed by housing reformers and experts in town-planning. Particulars are obtainable from the Secretary, National Housing and Town Planning Council, 41, Russell-square, London, W.C.1.

THE INSTITUTE OF ARBITRATORS (INCORPORATED).

A practice arbitration will be held on Wednesday, 10th October, 1934, at 6 p.m., at Incorporated Accountants' Hall (near Temple Station), Victoria-embankment, W.C.2, in conjunction with the Chartered Quantity Surveyors' (1931) Club. The subject is "A Building Dispute." The award will be made immediately after the hearing, and it is hoped there

will be time for a discussion. It should be remembered that the actual subject-matter of the dispute, whilst sometimes of more interest to one profession than another, is really a secondary consideration. The primary consideration is procedure, which is fundamentally the same in all arbitrations. Members are reminded that non-members can attend upon notifying the secretary of their intention. In order that adequate arrangements can be made they are requested to notify the Secretary on or before Monday, 8th October, whether they intend to be present, but no tickets of admission are required.

Circuits of the Judges.

NOTICE.—Criminal Business will be taken at all the towns mentioned. Civil Business will only be taken at the towns printed in heavy type. All Business must be ready to be taken on the first working day unless a later date is given for Civil Business.

The following Judges will remain in Town: The Lord Chief Justice, Mr. Justice Avory, Mr. Justice Horridge, Mr. Justice Acton, Mr. Justice Talbot, Mr. Justice MacKinnon and Mr. Justice Charles.

AUTUMN ASSIZES, 1934.	S. EASTERN.	NORTH AND SOUTH WALES.	WESTERN.	NORTHERN.
Commission Days.	*Hawke, J.* (1) *Branson, J.* (2)	*du Parcq, J.*	*Swift, J.* (2) *Humphreys, J.* (1)	*Atkinson, J.* (1) *Lawrence, J.* (2)
Tuesday Oct. 2	.. ..	.. ..	.. ..	.. ..
Wednesday ,, 3	.. ..	.. ..	SALISBURY	.. ..
Saturday ,, 6	.. ..	.. ..	.. ..	.. ..
Monday ,, 8	.. ..	.. ..	DORCHESTER	.. ..
Wednesday ,, 10	.. ..	.. ..	.. ..	.. ..
Friday ,, 12	.. ..	.. ..	WELLS	.. ..
Saturday ,, 13	CAMBRIDGE	CARNARVON	.. ..	.. ..
Monday ,, 15	.. ..	.. ..	.. ..	.. ..
Wednesday ,, 17	.. ..	.. ..	BODMIN	.. ..
Thursday ,, 18	NORWICH ..	RUTHIN ..	.. ..	.. ..
Saturday ,, 20	.. ..	.. ..	.. ..	.. ..
Monday ,, 22	.. ..	**Chester** ..	.. ..	.. ..
Tuesday ,, 23	.. ..	.. ..	**Exeter**	.. ..
Wednesday ,, 24	**Ipswich** ..	.. ..	.. ..	.. ..
Thursday ,, 25	.. ..	.. ..	.. ..	.. ..
Monday ,, 29	.. ..	.. ..	.. ..	.. ..
Wednesday ,, 31	CHELMSFORD	CARMARTHEN	.. ..	.. ..
Thursday Nov. 1	.. ..	.. ..	**Bristol (2)**	.. ..
Monday ,, 5	.. ..	.. ..	.. ..	.. ..
Wednesday ,, 7	.. ..	BRECON ..	.. ..	.. ..
Thursday ,, 8	.. ..	.. ..	.. ..	.. ..
Saturday ,, 10	.. ..	.. ..	**Winchester**	.. ..
Monday ,, 12	.. ..	.. **Swansea (2)**	.. ..	.. ..
Wednesday ,, 14	HERTFORD	.. ..	.. ..	.. ..
Saturday ,, 17	**Maidstone**	.. ..	.. ..	.. ..
Wednesday ,, 28	KINGSTON	.. ..	.. ..	.. ..
Saturday Dec. 1	**Lewes** ..	.. ..	.. ..	.. ..
Monday ,, 3	.. ..	.. ..	.. ..	.. ..

UTUMN ASSIZES, 1934.	OXFORD.	MIDLAND.	N. EASTERN.
Commission Days.	*Macnaghten, J.*	*Finlay, J.*	*Roche, J.* (1) *Goddard, J.* (2)
Tuesday Oct. 2	READING ..	.. ..	.. ..
Wednesday ,, 3	.. ..	AYLESBURY ..	.. ..
Saturday ,, 6	OXFORD ..	BEDFORD ..	.. ..
Monday ,, 8	.. ..	.. ..	.. ..
Wednesday ,, 10	WORCESTER ..	NORTHAMPTON	.. ..
Friday ,, 12	.. ..	.. ..	.. ..
Saturday ,, 13	**Gloucester** ..	.. ..	.. ..
Monday ,, 15	.. ..	**Leicester** ..	.. ..
Wednesday ,, 17	.. ..	.. ..	.. ..
Thursday ,, 18	.. ..	.. ..	.. ..
Saturday ,, 20	MONMOUTH ..	.. ..	.. ..
Monday ,, 22	.. ..	.. ..	.. ..
Tuesday ,, 23	.. ..	LINCOLN ..	.. ..
Wednesday ,, 24	.. ..	.. ..	.. ..
Thursday ,, 25	HEREFORD ..	.. ..	.. ..
Monday ,, 28	**Shrewsbury** ..	.. ..	.. ..
Wednesday ,, 31	.. ..	.. ..	.. ..
Thursday Nov. 1	.. ..	**Nottingham** ..	.. ..
Monday ,, 5	STAFFORD ..	.. ..	.. ..
Wednesday ,, 7	.. ..	.. ..	.. ..
Thursday ,, 8	.. ..	DERBY ..	.. ..
Saturday ,, 10	.. ..	.. ..	.. ..
Monday ,, 12	.. ..	.. ..	.. ..
Wednesday ,, 14	.. ..	.. ..	.. ..
Saturday ,, 17	.. ..	.. ..	.. ..
Wednesday ,, 28	.. ..	WARWICK ..	.. ..
Saturday Dec. 1	.. ..	.. ..	.. ..
Monday ,, 3	.. **Birmingham**	..	.. ..

Court Papers.

Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON

DATE.	EMERGENCY ROTA.	APPEAL COURT No. 1.	GROUP I. MR. JUSTICE EVE. Witness. Part I.	GROUP I. MR. JUSTICE BENNETT. Witness. Part II.
	Mr.	Mr.	Mr.	Mr.
Oct. 2	Jones	More	*Hicks Beach	*Jones
,, 3	Ritchie	Hicks Beach	*Blaker	Hicks Beach
,, 4	Blaker	Andrews	Jones	*Blaker
,, 5	More	Jones	*Hicks Beach	Jones
,, 6	Hicks Beach	Ritchie	Blaker	Hicks Beach
	GROUP I. MR. JUSTICE CROSSMAN. Non-Witness.		GROUP II. MR. JUSTICE LUXMOORE. Witness. Part II.	MR. JUSTICE FARWELL. Witness. Part I.
	Mr.	Mr.	Mr.	Mr.
Oct. 2	Blaker	Andrews	More	*Ritchie
,, 3	Jones	More	*Ritchie	*Andrews
,, 4	Hicks Beach	Ritchie	Andrews	*More
,, 5	Blaker	Andrews	*More	Ritchie
,, 6	Jones	More	Ritchie	Andrews

*The Registrar will be in Chambers on these days, and also on the days when the Court is not sitting.

MICHAELMAS SITTINGS, 1934.

COURT OF APPEAL.

APPEAL COURTS No. I AND III.

Tuesday, 2nd October.—These two Courts will sit at the commencement of the Sittings to take Appeals from County Courts. Each Court will be in charge of its own List. The first thirty Appeals will be taken in one Court, the remainder will be taken in the other Court.

Solicitors are particularly requested to take note of these arrangements, so that there may be no inconvenience caused.

Solicitors for Appellants must lodge three Copies of the necessary papers required on the hearing of Appeals in accordance with the practice of the Court of Appeal.

APPEAL COURT No. II.

Tuesday, 2nd October.—"Workington Harbour and Dock Board v Trade Indemnity Co" (to be mentioned) and Applications for leave to appeal from Official Referee (1) "Edwards v Pembroke" (2) "Chelsea Timber Co v Porter."

Wednesday, 3rd October.—Exparte Applications, Original Motions—"City Motor Omnibus Co. Ltd v London Passenger Transport Board" (by order), Interlocutories and, if necessary Final Appeals.

King's Bench Final Appeals will be continued until further notice.

HIGH COURT OF JUSTICE.

CHANCERY DIVISION.

GROUP I.

Before Mr. Justice EVE.

(The Witness List. Part I.)

(*Actions, the trial of which cannot reasonably be expected to exceed 10 hours.*)

Mondays .....Companies (Winding up) Business.

Tuesdays .....
Wednesdays ..
Thursdays ....
Fridays ..... } The Witness List. Part I.

Before Mr. Justice BENNETT.

(The Witness List. Part II.)

Mr. Justice BENNETT will sit daily for the disposal of the List of longer Witness Actions.

Before Mr. Justice CROSSMAN.

(The Non-Witness List.)

Mondays .....Chamber Summonses

Tuesdays .....Motions, Short Causes, Petitions, Procedure Summonses, Further Considerations and Adjourned Summonses

Wednesdays ..Adjourned Summonses

Thursdays ....Adjourned Summonses.

Lancashire Business will be taken on Thursdays, the 4th and 18th October, the 1st, 15th and 29th November and the 13th December.

Fridays .....Motions and Adjourned Summonses.

GROUP II.

Before Mr. Justice CLAUSON.

(The Non-Witness List.)

Mondays .....Chamber Summonses.

Tuesdays .....Motions, Short Causes, Petitions, Procedure Summonses, Further Considerations and Adjourned Summonses

Wednesdays ..Adjourned Summonses.

Thursdays ....Adjourned Summonses.

Fridays .....Motions and Adjourned Summonses.

Before Mr. Justice LUXMOORE.

(The Witness List. Part II.)

Mr. Justice LUXMOORE will sit daily for the disposal of the List of longer Witness Actions.

Before Mr. Justice FARWELL.

(The Witness List. Part I.)

(*Actions, the trial of which cannot reasonably be expected to exceed 10 hours.*)

Mondays .....Bankruptcy Business.

Tuesdays .....
Wednesdays ..
Thursdays ....
Fridays ..... } The Witness List. Part I.

Bankruptcy Judgment Summonses will be taken on Mondays, the 15th October, the 5th and 26th November and 17th December.

Bankruptcy Motions will be taken on Mondays, the 22nd October, the 12th November and the 3rd December.

A Divisional Court in Bankruptcy will sit on Mondays the 29th October, the 19th November and 10th December.

THE COURT OF APPEAL.

A List of Appeals for hearing, entered up to Friday, 14th September 1934.

FROM THE CHANCERY DIVISION.

(Final List.)

FOR JUDGMENT.

Attorney-General v Racecourse Betting Control Board

FOR HEARING.

Re Harrison Public Trustee v Best (s.o. to Oct. 12. To be mentioned)

Re Brown District Bank Ltd v Brown (s.o. to Oct. 12. To be mentioned)

Wight v Hucks
Re Clark Clark v Clark
The North Riding of Yorkshire County Council v The London and North Eastern Railway Co (Final)
Same v Same (Interlocutory)
Re Lavell & Co Ltd Re The Companies Act 1929
Mullard Radio Valve Co Ltd v Philco Radio and Television Corporation of Great Britain Ltd
Re Wood Public Trustee v Wolfenden and ors
Crystalate Gramophone Record Manufacturing Co Ltd v British Crystalite Co Ltd
Re South East Lancashire Insurance Co Ltd Re The Companies Act 1929
Gibson v A C Cossor Ltd
Re Kayes Manufacturing Co Ltd Re The Companies Act 1929
Re Lydenburg Proprietary Mines Ltd Re The Companies Act 1929
Lockwood & Elliott v W & J Cardwell Ltd and anr
Scott v The Commissioners of Inland Revenue
Re Dickens Dickens v Hawksley
Re Forshaw Wallace v The Middlesex Hospital and ors
Re Davis Davis v Moorhouse-Stoney
Re Oliver Re Married Women's Property Act 1882 ..
Philip Baker & Co v Kenshole

FROM THE COUNTY PALATINE COURT OF LANCASTER.

(Final List.)

Thom v Schofield

FROM THE PROBATE AND DIVORCE DIVISION.

(Final List.)

Divorce Goddard v Goddard (Watkins, Co-respt)
Divorce Baylis v Baylis (Ordway, Co-Respt)

FROM THE CHANCERY DIVISION.

(In Bankruptcy.)

Re a Debtor (No. 448 of 1934) Exparte The Petitioning Creditors v The Debtor
Re Lyons, J S Exparte Barclays Bank Ltd v The Trustee

FROM THE KING'S BENCH DIVISION.

(Final and New Trial List.)

Workington Harbour and Dock Board v Trade Indemnity Co Ltd (to be mentioned on Oct 2)
Aschkenasy v Midland Bank Ltd
Oceanic Steam Navigation Co Ltd v Evans
Gruning & Co v Gerson
Sharles v Fisher's Foils Ltd
Jablonsky v Thompson
Monk v Warbey and ors
Lane v John Mowlem & Co Ltd
Wheldon v Salerni (British Coal Refining Processes Ltd, 3rd party)
Stannard v West Ham Corporation
Rugby School Governors v Tannahill
Hickman (1928) Ltd v Farey
Bagley v C G Haubold, A.G.
Same v Same
A Marx & Co v Harrison
Crowley v Constable & Co Ltd and ors
Haynes v G Harwood & Son
A H and H G Stocker v Marshall
R & W Paul Ltd v Wheat Commission
Same v Same
Langhorne v Mitchell
Phillips v Phillips
Grant v University Motors Ltd
Re The Housing Act 1930 Dodd and ors v The Cannock Urban District Council
Kendall v Rickard
Flint v Lovell
Lancaster County Council v Southport Corporation
Barling v Morgan Davis & Sons Ltd
Eldon v Hedley Brothers
Gordon v Cornforth
Hauser v Bone
Saunders v Woodlands Estate and Property Co Ltd
Dorman Long & Co Ltd v William Cory & Son Ltd
Portheawl Recreations Ltd v Atkinson
Rose v Davis & Sons
Haughton & Co Ltd v White
Re The Arbitration Act 1889 Leiserach v Schalit
James Bodle Ltd v Nye
Johnson v Birmingham Corporation (from Interlocutory List)
Lines v C & E Morton Ltd
John Shaw & Sons (Salford) Ltd v Shaw
Same v Same
Hill v Star Emerald Mining Syndicate Ltd
Bray v Shannon
Marshall v Lindsey County Council
H Lowe & Co v Braid Brothers
Sommer v Mathews
Re The Arbitration Act 1889 Strathlorne Steamship Co Ltd v Andrew Weir and Co
Malley v Wise and ors
Stock v Schmidt
Hadley v The London Midland and Scottish Railway Co
Tilbrooke v Thomas Wood & Sons
Symons v Wood
Irving v The General Life Assurance Co
Same v Miller
James v Medley Hartman & Co Ltd
Kitcher v Carrier and anr
Goldmuntz v L M Van Moppes and Sons
Same v Same
Bartolotti v Inalium Pistons Ltd
Green v Binns & Collins
Harocopos v Mountain
Pritchard v Loe
Davies v Davies
Lewis v Treharne
Grantham v Smythe
Nestle and Anglo-Swiss Condensed Milk Co v London Midland and Scottish Rly Co
Luff v Owen
Higgs v Hastings Corporation
Walker v H Freeman & Son
Cleland v London General Insurance Co Ltd
Van Wyck v Kahn
Jameson Engine Co (U.K.) Ltd v St John Cooke & Co
The Consett Iron Co Ltd v Clavering
Same v Same
Atkins v Williams
Sanders and ors v H Smethurst (Fish Curers) Ltd and ors
De Laiche v MacPhail
Alvis v South End Stevedoring and Porterage Co Ltd
Re The Housing Acts 1925-1930 Errington v The Minister of Health
Wilson v Prigoshen
Trewin v Jackson
Pateras v Royal Exchange Assurance
Pruen v Lidderdale
Wessex Dairies Ltd v Compton

(Revenue Paper—Final List).

Kneen (H M Inspector of Taxes) v Martin
Stewart (H M Inspector of Taxes) v Lyons
Champney's Executors v Commissioners of Inland Revenue
Eagles (H M Inspector of Taxes) v Levy

(Interlocutory List).

Jacobs and ors v London County Council
Shaw and ors v Same
Re The London Passenger Transport Act 1933 The City Motor Omnibus Co Ltd v The London Passenger Transport Board (fixed for Oct 3)
Wood v Thorne
Rahman Hydraulic Tin Ltd v A & J Main & Co Ltd

FROM COUNTY COURTS.

Cartèr v Henderson
Smith v Charrington Booth Ltd
Mickleover Transport Ltd v Day
Flats Construction Co Ltd v Maclean
Herman v Maw
Mutual Finance Indemnity and Guarantee Corporation Ltd v Lingwood
Carbutt v Russell
Hugill v William Whiteley Ltd
Hubert Dees Ltd v Smith
Lepine v Piggott
T & F Young Ltd v Howe
Batchelor v United Dairies (London) Ltd
Holly v Foot
Hill-Snook v Hicks
Symons v Vergona
Stokes v Little
Saltmarsh v Dofort
Shear v Taylor
W Weddel & Co Ltd v Clarke
Williams-Ellis v Cobb
Wheeler v Wirral Estates Ltd
Rawlance v Spicer
Jackson v Same
Rodgers v E R Turner (Pitsea) Ltd
Heyting v Foreman
Elgar v Tutt & Sons
Byford & Prior v Liddington
Gilbert v Ventura
Rebak v Taft
Waters v Faulkner
Morton v Hereford House Ltd
Proud v Steeds
Garnett-Hall v Powell
Stanton v Laws
Rose v Morganstein
Leeds Corporation v Jenkinson
Cumming v Tibbols
Du Feu v Cooper
Easter v Crewe
Hornsey v John Gardner (London) Ltd
Gordon & Phillips Ltd v Moore
Gutteridge v Rodgers
Watts v Maturin
Allgood v Diggle
White v Bembridge
Mutual Finance Ltd v Fillis
Same v Same
Mann v A S Davis & Co
Green v M Bertish & Co Ltd
Colbourne v General Accident Fire and Life Assurance Corporation Ltd
S Morris & Co v Isaacs
Property and Reversionary Investment Corporation Ltd v Baker
Parry v Chamberlain Johnson and Parke
Billups v Hammond
Fullerton (Tailors) Ltd v Darley Mills Co Ltd
Higher v Gregory
Block v Nicholson & Co Ltd
Aronson v Barker
Elverston v Damotte
Higgs v Jackson
Blutstein v Cohen
Allen v Waters & Co
Smith v W & G Du Cros Ltd and anr
Thomas v Trow
Deen v Davies and anr
Smith v Ayers
Brown v The Monmouthshire County Council
Thom v Same
Partridge v Same
Buckley v Same
Halfin Cab Co Ltd v W H Clench (1930) Ltd
Thomas v Trow
Whiteman Smith Motor Co Ltd v Gowers
Palmer v Gowers
Miller v Bovis Ltd
Aldersea v Peake
Cunnington Son & Orfeur v Gardiner
Wright v M A Rapport & Co Ltd
Stein v Gates
Thomas v Jacobs
Rosetta v Hethey
Hale v Palmer

(Re The Workmen's Compensation Acts)

Bulmer v The Owners of s.s. "Baluchistan"
Emmerson v Gee Walker & Slater Ltd
Griffiths v The Powell Duffryn Steam Coal Co Ltd
Pattenden v McIntosh
Andrews v The Denaby & Cadeby Main Collieries Ltd
Dawson v The Agwi Petroleum Corporation Ltd
Friend v Canning Town Glass Works Ltd
John Mowlem & Co Ltd v Mudge
Berryman v A Boake Roberts and Co Ltd
Crawford v James Smallwood and Sons
Hawkins v Bond
Durrant v British Fibrocement Works Ltd
Bolter v Callenders Cable and Construction Co Ltd
Keohane v Dorman Long & Co Ltd
Darby v Leicester Sports Ltd (Sleath Brothers, third party)
Taylor v Edwin Banks & Co (Oldbury) Ltd
Thomas v Thomas Williams and Sons (Llangennech) Ltd
Cartwright v The Governors of the Crossley and Porter Orphan Home and School
Ryan v Kingston-upon-Hull Corporation

FROM THE ADMIRALTY DIVISION
(Final List)
With Nautical Assessors

"Capulin" 1934 Folio 32 The Owners of ss "Sherwood" v The Owners of ss "Capulin"
Same v Same
"Erling Lindoe" 1934 Folio 6 The Owners of ss "Hakone Maru" v The Owners of ss "Erling Lindoe"
Same v Same
"Baltara" 1933 Folio 243 The Owners of ss "Cresco" v The Owners of ss "Baltara"
"Umona" and "Sirius" 1934 Folio 92 South Metropolitan Gas Co. v The Owners of ss "Umona" and The Owners of ss "Sirius"
"Pass of Balmaha" 1934 Folio 67 Pears v The Owners of ss "Pass of Balmaha"

(County Courts)

1934 Folio 170 Knowler v John Cory & Sons Ltd

Standing in the "ABATED" List.

FROM THE CHANCERY DIVISION
(Final List)

Re Laidlaw Lewes v King (s.o. generally) (July 16, 1934)

FROM THE KING'S BENCH DIVISION
(Final List)

Clark v Mayhew (Abated) (June 11 1934)
Barclay v Turner (s.o.—liberty to apply) (Mar. 26, 1934)
Original Motion
Same v Same (s.o.—liberty to apply) (Mar 26, 1934)
(From County Courts)
Eaton v Donegal Tweed Co Ltd (s.o. generally –June 11, 1934)

HIGH COURT OF JUSTICE.—CHANCERY DIVISION.

There are Three Lists of Chancery Causes and matters for hearing in Court. (I) Adjourned Summonses and Non-Witness Actions; (II) Witness Actions Part I (*the trial of which cannot reasonably be expected to exceed* 10 *hours*) and (III) Witness Actions Part II; every proceeding being entered in these lists without distinction as to the Judge to whom the proceeding is assigned. During the Sittings there will usually be two Judges taking each of these lists and warning will be given of proceedings next to be heard before each Judge. Applications in regard to a "warned" matter should be made to the Judge before whom it is "warned."

Applications in regard to a proceeding which has not been "warned" should usually be made to the senior of the two Judges taking the list in which the proceeding stands.

Motions, Short Causes, Petitions and Further Considerations will be taken by that one of the Judges taking the Non-Witness List who belongs to the group to which the proceeding is assigned.

GROUP I.—Mr. Justice EVE, Mr. Justice BENNETT and Mr. Justice CROSSMAN.

GROUP II.—Mr. Justice CLAUSON, Mr. Justice LUXMOORE and Mr. Justice FARWELL.

MICHAELMAS SITTINGS, 1934.

The Adjourned Summons and Non-Witness List will be taken by Mr. Justice CLAUSON and Mr. Justice CROSSMAN.

The Witness List Part I will be taken by Mr. Justice EVE and Mr. Justice FARWELL.

The Witness List Part II will be taken by Mr. Justice LUXMOORE and Mr. Justice BENNETT.

Motions, Short Causes, Petitions and Further Considerations in matters assigned to Judges in Group I will be heard by Mr. Justice CROSSMAN.

Motions, Short Causes, Petitions and Further Considerations in matters assigned to Judges in Group II will be heard by Mr. Justice CLAUSON.

Companies (Winding Up) Liverpool and Manchester District Registries and Bankruptcy business will be taken as announced in the Michaelmas Sittings Paper.

Set down to September 14*th*, 1934.

Mr. Justice EVE and
Mr. Justice FARWELL.

Witness List Part I.

Actions, the trial of which cannot reasonably be expected to exceed 10 *hours.*

Before Mr. Justice EVE.

Retained Matters.

Re Courage's Settlement Courage v Williams (s.o. to Easter, 1935)

Witness List. Part II.

Plaza (Worthing) Ltd v Rowlands Estates Ltd
Bone v A E W Bone Ltd (fixed for Oct 3)
Re A E W Bone Ltd Rabb v The Company (fixed for Oct 3)
Lowther v Holdsworth (restored)

Companies Court Petitions.

Alliance Bank of Simla Ltd (to wind up—ordered on Dec 21, 1931, to s.o. generally—liberty to restore)
Dwa Plantations Ltd (same—s.o. from May 7, 1934, to Nov 5, 1934)
Britivox Ltd (same—ordered on Nov 16, 1931, to s.o. until action disposed of—liberty to restore)
London Clinic and Nursing Home Ltd (same—ordered on May 8, 1933, to s.o.g.—liberty to apply to restore)
Limasol Manufacturing Co Ltd (same—ordered on May 8, 1934, to s.o.g.—liberty to apply to restore after action disposed of)
A E W Bone Ltd (same—s.o. from July 25, 1934, to Oct 8, 1934)
Redruth Brewery Co Ltd
Noel K Ltd (same—s.o. from July 31, 1934, to Oct 15, 1934)
Mitcham Creameries Ltd (same—s.o. from July 16, 1934, to Oct 15, 1934)
London & Midland Investment Co Ltd (same –s.o. from July 30, 1934, to Oct 8, 1934)
Chalmers & Guthrie (Merchants) Ltd (same—s.o. from July 31, 1934, to Oct 15, 1934)
D A Wood Ltd (same—s.o. from July 30, 1934, to Oct 8, 1934)
Petra Ltd (same—s.o. from July 30, 1934, to Oct 8, 1934)
W H Benson & Co Ltd (same—s.o from July 31, 1934, to Oct 15, 1934)
Independents Club Ltd (same—s.o. from July 31, 1934, to Oct 15, 1934)
Camera Projectors Ltd (same—s.o. from July 31, 1934, to Oct 8, 1934)
Inalium Pistons Ltd (same—s.o. from Sept 5, 1934, to Oct 8, 1934)
G G & F Syndicate Ltd (to wind up)
Berkeley Studio Ltd (same)
Reno Ltd (same)
Price Bros (Finchley) Ltd (same)
Essex Builders Ltd (same)
W Hewlins Milburn & Co Ltd (same)
United Food Manufacturers Ltd (same)
Marc Henri & Laverdet Ltd (same)
Burnfoot Sign Co Ltd (same)
W Kusher & Son Ltd (same)
Roads and Sewers Ltd (same)
Midland Farmers' Dairy Ltd (same)
John Cartwright (Furnishers) Ltd (same)
Morton & Kirby Ltd (same)
Selbourne Construction Co Ltd (same)
Graphic Arts Press Ltd (same)
E J Jones (Liverpool and London) Ltd (same)
Fasta Film Co Ltd (same)
Slough Greyhound Racecourse Ltd (same)
Fairmont Gown Co Ltd (same)
Malloch & Davies Ltd (same)
D W Howe Slater & Co Ltd (same)
Arrow Petroleum Products Ltd (same)
Woolstone-Barton Co Ltd (same)
London Jewellers Ltd (same)
Francis Barker & Son (1932) Ltd (same)
Bandawear Knitting Co Ltd (same)
John Sully & Co Ltd (same)
A S Plater & Co Ltd (same)
London & County Finance Corporation Ltd (same)
Alliance Artificial Silk Ltd (same)
J R Masters & Sons Ltd (same)
H E Moncrieff & Co Ltd (same)
West Yorkshire Grocers Ltd (same)
Walter Pope Ltd (same)
A N Skinner Ltd (same)
Welsh Harp Sports Stadium Ltd (same)
Telfbag Co Ltd (same)
Magnacore Ltd (same)
Paul Ruinart (England) Ltd (to confirm reduction of capital)
British Woollen Cloth Manufacturing Co Ltd (to confirm reduction of capital—ordered on Dec 8, 1930, to s.o.g.—liberty to restore)
Charles Brown & Co Ltd (to confirm reduction of capital)
Fern Vale Brewery Co Ltd (same)
H C Nelson Ltd (same)
C H Hare & Son Ltd (same)
Malton Farmers Manure & Trading Co Ltd (same)
British (Non-Ferrous) Mining Corporation Ltd (same)
Progressive Finance & Investment Co Ltd (same)
Slater & Cooke, Bisney & Jones Ltd (same)
Wollaton Collieries Co Ltd (same)
Birn Brothers Ltd (same)
Kurunegala Rubber Co (1929) Ltd (same)
Lewis Levy Ltd (same)
Corderoy Mines Ltd (same)
Fitch & Son Ltd (same)
Kolster-Brandes Ltd (same)
Edward Hughes Sons & Co Ltd (same)
Strange the Printer Ltd (same)
John Hardman & Co Ltd (same)
Gresham Trust Ltd (same)
Williams & Williams Ltd (same)
Gresham Street Warehouse Co Ltd (to confirm alteration of objects)
Society of Certificated Teachers of Pitmans Shorthand and other Commercial Subjects Ltd (same)
Slate Slab Products Ltd (to sanction scheme of arrangement ordered on Oct 13, 1931, to s.o.g.—liberty to restore)
Dorricotts Ltd (to sanction scheme of arrangement)
Middlesex Banking Co Ltd (same)
John M Newton & Sons Ltd (to sanction scheme of arrangement and confirm reduction of capital)
Colchester Brewing Co Ltd (sec 155)
Queen's Club Garden Estates Ltd (same)
Western Mansions Ltd (same)
Metallic Seamless Tube Co Ltd (same)
Chesterfield Tube Co Ltd (same)
British Italian Banking Corporation Ltd (same)
E W Rudd Ltd (to confirm reorganisation of capital)

Motions.

Trent Mining Co Ltd (ordered on July 31, 1931, to s.o.g.—liberty to restore)
Kings Cross Land Co Ltd (ordered on June 26, 1934, to s.o.g.—liberty to apply to restore)
Flactophone Wireless Ltd (ordered on July 10, 1934, to s.o.g.)
Braceborough Spa Ltd
Keen Grocers Ltd
Same

Adjourned Summonses.

City Equitable Fire Insce Co Ltd (Application of Liverpool and London and Globe Insce Co Ltd (ordered on April 8, 1930, to s.o.g.—liberty to restore)
Orchorsol Sound Reproduction Ltd (Application of T Froude—with witnesses—ordered on Nov 11, 1932, to s.o.g.)
Marina Theatre Ltd (Application of F H Cooper—with witnesses - ordered on May 10, 1933, to s.o.g.—liberty to apply to restore)
W Smith (Antiques) Ltd (Application of Liquidator—with witnesses—ordered on Dec 8, 1932, to s.o.g.)
Wise & Lansdell Ltd (Application of W J Lansdell—ordered on Dec 8, 1933, to s.o.g.)
Whitehaven Colliery Co Ltd (Application of Liquidator—ordered on May 14, 1934, to s.o.g.—liberty to apply to restore)

Standard Carpet Co Foreign Ltd (Application of Seligman Bros Ltd—with witnesses)
New Central Hall Blackburn Ltd (Application of Liquidator—with witnesses)
Port of Manchester Insurance Co Ltd (Application of U Partner and anr—with witnesses)
Watkins & Laing Ltd (Application of L Alexander Fife & Co Ltd—with witnesses)
Bates Concrete Manufacturing Co Ltd (Application of Thomas Patterson & Son Ltd)
Wise & Lansdell Ltd (Application of Liquidator—with witnesses)
Birmingham Central Restaurant Co Ltd (Application of F J Pepper)
L Bauer & Son Ltd (Application of L Bauer—with witnesses)
British Filograph Co Ltd (Application of E Bodle)
Engineers Club (London) Ltd (Application of E H White)
Hearts of Oak Assurance Co Ltd (Application of Liquidator—with witnesses)
Capitol Road Transport Ltd (Application of S V Hotchkin—with witnesses)
Same (Application of J Lewis—with witnesses)
Underground Electric Railways Co of London Ltd (Application of Liquidator)
Alexander Drew & Sons Ltd (Application of Liquidator)
Gordon Bostock's Circus Ltd (Application of Liquidator—with witnesses)
Blue Bird Petrol Ltd (Application of F Atherton)
Same (Application of J Bailey)
Same (Application of F W Dallow)
Same (Application of J Reid and ors)
Same (Application of J Reid)
Same (Application of W Chadwick)
Pool (Tote) Clubs Ltd (Application of Luncheon and Sports Club Ltd)
Essex Radio Supplies Ltd (Application of Official Receiver and Liquidator—with witnesses)
Phœnix Underwear Ltd (Application of Liquidator—with witnesses)
William Adler & Co Ltd (Application of Official Receiver and Liquidator)
Nautilus Steam Shipping Co Ltd (Application of D Blair and ors)
North and South Insurance Corporation Ltd (Application of E Gormley—with witnesses)
H N Howard & Co Ltd (Application of N Plotzker—with witnesses)
Edwin Bott Ltd (Application of H M Attorney-General—with witnesses)
Braceborough Spa Ltd (Application of G Turquand—with witnesses)
Fosters (Bath) Ltd (Application of Liquidator)

Before Mr. Justice FARWELL.

Retained Action.

Witness List. Part II.

Hertfordshire County Council v Lea Sand Ltd

Mr. Justice EVE and Mr. Justice FARWELL.

Witness List. Part I.

Graham v Pemberton
Parkinson v Peacock
Marks & Spencer Ltd v Wheldon
Wateridge v Reeves
Myers v John Newton (Tailors) Ltd (s.o. for particulars of Claim)
Bayntun v Edmed
Lowndes v Bowen
Plater v Maynard
Parker v King
Moody v Robertson
Thomson v Confederation Life Association
Hay v Carter
Merton v Sutcliffe
Talbot v Bellhouse
Field v Newman
Harman's Trustee v British Bank for Foreign Trade
Joynson v E O'Sullivan (Kenley) Ltd.
Re Farmer Stoneham v Farmer
Mills v MacMichael
Douglas v Boyd
Re Vredenburg's Registered Design No. 788451 Re Patents and Designs Act 1907-1932
Collins v Ball
Thomas Forman & Sons Ltd v Balding and Mansell (a firm)
Cooper v Cooper
Re Meteyard Dalziel v Daveney
Watts v Johnstone
Jackson v Garbutt
Re Dean's Settlement Dean v Briggs
Hugh Wyllie Ltd v Guest
London & North Eastern Railway Co v Hardwick Colliery Co Ltd
Re Titterton Chubb v Willford
Re Same Same v Same
Harrod v Hicks
Taylor v Wrigg
Modern Traders Ltd v King
Cook v Murray
Cartwright v French
Roith v Fashion Gown Manufacturers Ltd
Verco v Lilac Lingerie Co Ltd
Griffith v Freeman
Walker v Rowland
Webster v Angell
Earles Utilities Ltd v Jacobs
Same v Harrison

Mr. Justice CLAUSON and Mr. Justice CROSSMAN.

Adjourned Summonses and Non-Witness List.

Before Mr. Justice CLAUSON.

Retained Actions.

Witness List. Part II.

Brickman v Hirsch

Witness List. Part I.

Green v Amalgamated Engineering Union

Procedure Summonses.

Smith v Martley Rural District Council
Russian & English Bank v Baring Bros & Co Ltd
Nathan v Walker

Further Consideration.

Randall v Young

Before Mr. Justice CROSSMAN.

For Judgment.

Retained Actions.

Witness List. Part II.

Goodenday v New Zealand Sulphur Co. Ltd
Kerman v Same

For Hearing.

Assigned Matters.

Re The Guardianship of Infants Acts 1886-1925 Sturch v Sturch
Re The Guardianship of Infants Acts 1886-1925 Rhodes v Rhodes
Re The Guardianship of Infants Acts 1886-1925 Kneel v Kneel
Re The Guardianship of Infants Acts 1886-1925 Perrins v Perrins

Short Cause.

The London Midland & Scottish Rly Co v Froud

Mr. Justice CLAUSON and Mr. Justice CROSSMAN.

Adjourned Summonses and Non-Witness List.

Wright v Mears (not before Oct 17)
Re Smith National Provincial Bank Ltd v Smith
Re Bennett Tayler v Bennett
Re Pereira Price v Pereira
Re Olroyd Dodgson v Borwick
Re Partridge White v Smith
Re Young Burton v Burton
Re Wiles Wiles v Yorkshire Penny Bank Ltd
Re Campbell Campbell v Campbell
Re Farmer Stoneham v Farmer
Re Hill Hill v Sherwill
Re Gowen Public Trustee v Gowen
Re Coal Mines Act 1930 Re Midland (Amalgamated) District (Coal Mines) Scheme 1930 Robert Holliday & Sons Ltd v The Executive Board and Quota Committee
Re Hall Smith v Hall
Re Chandler Hathaway v Margetson
Kelly's Directories Ltd v Amalgamated Publicity Services Ltd
Re Ellis Nettleton v Crimmins
Re Lockett Lockett v Holloway
Re Reynolds Public Trustee v Midwood
Re Atkinson Heslop v Stoker
Re Fripp Fripp v Fripp
Re Back Guinness v Back
Re Rudkin Public Trustee v Hicks
Re Brooker Public Trustee v Brooker
Re Cowdray Trust Deed Cowdray Trust Ltd v Gordon
Re Mann Mann v Mann
Re Hartley Rycroft v Odam II
Re Folkard Folkard v Royal Exchange Assurance
Re Mills Nicholls v Hobbes
Re Smith Lloyds Bank Ltd v Smith
Re Everard Everard v Shakespear
Re Woodman Vine v Jack
Re Edwards Hall v Hall
Re Sigsworth Bedford v Bedford
Re Bellamy Bellamy v Bellamy
Re Ling Haynes v Ling
Re Fitzpatrick Deane v De Valera
Re Jones, S B Re Trustee Act, 1925
Re Hammond Public Trustee v Deane
Re Burton Crowther v Burton
Re Beaufort Fox v Beaufort
Re Browne Byard v Payne
Re Simpson Davis v Simpson
Re Bovill Smyth-Osbourne v Jordan
Re Hill Bidlake v Hill
Re Jones Killick v Cafelle
Re Evans Public Trustee v Christian Alliance of Women and Girls
Re Herbert Woodcock v Hindmarch
Re Favell Favell v Favell
Re Norman Norman v Norman
Re Hulbert McBride v Lamb
Re Hanes Wilson v Hanes
Re Fitzgerald Royds v Webster
Townend v Askern Coal & Iron Co Ltd
Re Welch Barclays Bank Ltd v Welch
Re Sana Mathews v Mathews
Re National Old Age Pension Trust Stevens v Taverner
Re Hill's Conveyance Re Law of Property Act, 1925
Re Walker Walker v Roadknight
Re Jones Willis v Elliott
Re Macaskie Macaskie v Macaskie
Re F Hewthorn & Co Ltd's Application No. B. 537,100
Re Day Son & Hewitt Ltd's Opposition No. 9261
Re Trade Marks Acts, 1905-1919
Re Spencer Public Trustee v Spencer
Re Seymour Barclays Bank Ltd v Pollock
Re Blundell Pearn v Royal Asylum of St. Ann's Socy
Re Stephens Stephens v Stephens
Re Millin Clements v Millin
Re Johnson Taylor v Johnson
Re Pascall
Re Pascal Pascal v Bance
Re Reddish Penton v Waters
Re Reeve Reeve v Reeve
Re Beecham Beecham v Beecham
Re Ockenden Ockenden v Tyler
Re James's Charities Charity Commissioners for England and Wales v Watkins
Re Barnato Westminster Bank Ltd v Foster
Re Gray Prentice v Wild
Re Yates Johnson v Thornton
Re Hart Greenwood v Davis
Re Edwardes Square Garden Committee Smith v Mitchell
Re Ogilvie National Provincial Bank Ltd v Arundel
Re Finney Tweedie v Field-Moser
Re Hatch Meyer v Howe
Re Ames Ames v de Santiyan y Velasco (restored)
Re Marshall Moorhouse v Wise
Re Davidson Peel v Davidson
Re Morris Morris v Vellacott
Re Evans James v Vicary
Re Aldridge Godfrey-Faussett-Osborne v Lindner
Re Jackson Hall v Young
Re Jackson Brodrick v Cordwainers Company
Re Maunder Williams v Ewen
Re Oxenham Public Trustee v Anstey
Re Spencer Lloyds Bank Ltd v Spencer
Re Young Bazeley v Glyn Mills & Co
Re Avebury Pelham v Golding
Re Wakeman's Arbitration Re Arbitration Act 1889
Re Solomons Public Trustee v Attorney-General
Re Meredith Meredith v Clarke
Re Jones Davies v Davies
Re Elsom Levett v Gerussi
Re Bristowe's Settlement Re Settled Land Act 1925
Re Richardson Watson v Carr-Ellison
Re Bruin Andrews v Bruin
Re Jordan Jordan v Jordan
Re Fitzhardinge Re Law of Property Act, 1925
Re Watkins Strickland v Smith
Re MacKenzie Public Trustee v MacKenzie
Re Brooker Rayner v Rayner

Re Snowden Snowden v Snowden
Re Sackett Martin v Sackett
Re West Hirons v West
Re Foord Foord v Foord
Re Greenwood Barton v Benjamin
Re Owen Midland Bank Executor and Trustee Co Ltd v Roper
Re Fox Ramsden v Fox
Re Cockerton Romer v Ritchie
Re Wadsworth Williams v Wadsworth
Re Stockton Gamlen v Stockton
Re Carlyon Carlyon v Carlyon
Re Sharp Brear v Woodhead
Re Horn Butterfield v Mole
Re Acquisition of Land (Assessment of Compensation) Act, 1919 Markham v Derby Corporation
Re The Coal Mines Act, 1930 Re The Midland (Amalgamated) District Coal Mines Scheme, 1930 The Askern Coal and Iron Co Ltd v The Executive Board and The Quota Committee of the Midland (Amalgamated) District

Mr. Justice LUXMOORE and Mr. Justice BENNETT.

Witness List. Part II.

Before Mr. Justice LUXMOORE.

FOR JUDGMENT.

Retained Action.

The Corparation of London v Lyons Son & Co (Fruit Brokers) Ltd

Adjourned Summons.

Re Ecclesiastical Commissioners' Conveyance Re Law of Property Act, 1925

FOR HEARING.

Assigned Petition.

Re Patrick's Patent Re Patents and Designs Acts, 1907-1932 (not before Oct 20)

Before Mr. Justice BENNETT.

FOR JUDGMENT.

Adjourned Summons.

Re Kellock Pennell v Baly

FOR HEARING.

Retained Adjourned Summons.

Re Bevan Biss v Bevan (s.o. to Oct 10)

Mr. Justice LUXMOORE and Mr. Justice BENNETT.

Witness List. Part II.

Re Petition of Right of Liverpool Corporation (not before Hilary)
Barlow v Wild
Re Tattershall and District Gravel Co Ltd Re The Companies Act, 1929
Barton v Alliance Economic Investment Co Ltd (restored) (not before Oct 15)
Popplewell v Simpson Curtis & Burrill
Bowker v Southampton Corpn
Attorney-General v Hailey
Mackenzie v Darragh Smail & Co Ltd
Atkinson v Seville
Hardaker v Boon
Lethbridge v Kerman
Nicholls v Smith Bros (Burnham-on-Crouch) Ltd
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Attorney-General and Albert William Goodman

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Stock Exchange Prices of certain Trustee Securities.

Bank Rate (30th June, 1932) 2%. Next London Stock Exchange Settlement, Thursday, 11th October, 1934.

	Div. Months.	Middle Price 26 Sept. 1934.	Flat Interest Yield.			†Approximate Yield with redemption		
ENGLISH GOVERNMENT SECURITIES			£	s.	d.	£	s.	d.
Consols 4% 1957 or after	FA	113¾	3	10	4	3	2	6
Consols 2½%	JAJO	81½	3	1	4	—		
War Loan 3½% 1952 or after	JD	105⅝	3	6	3	3	1	9
Funding 4% Loan 1960-90	MN	115xd	3	9	7	3	2	11
Funding 3% Loan 1959-69	AO	99	3	0	7	3	0	11
Victory 4% Loan Av. life 29 years	MS	113	3	10	10	3	6	0
Conversion 5% Loan 1944-64	MN	118xd	4	4	9	2	14	5
Conversion 4½% Loan 1940-44	JJ	112	4	0	4	2	6	5
Conversion 3½% Loan 1961 or after	AO	104⅞	3	6	9	3	4	7
Conversion 3% Loan 1948-53	MS	102⅝	2	18	5	2	15	3
Conversion 2½% Loan 1944-49	AO	98	2	11	0	2	13	4
Local Loans 3% Stock 1912 or after	JAJO	94½	3	3	8	—		
Bank Stock	AO	368½xd	3	5	2	—		
Guaranteed 2¾% Stock (Irish Land Act) 1933 or after	JJ	85	3	4	8	—		
Guaranteed 3% Stock (Irish Land Acts) 1939 or after	JJ	93	3	4	6	—		
India 4½% 1950-55	MN	113	3	19	8	3	8	7
India 3½% 1931 or after	JAJO	96	3	12	11	—		
India 3% 1948 or after	JAJO	84	3	11	5	—		
Sudan 4½% 1939-73 Av. life 27 years	FA	117	3	16	11	3	10	3
Sudan 4% 1974 Red. in part after 1950	MN	111	3	12	1	3	2	4
Tanganyika 4% Guaranteed 1951-71	FA	112	3	11	5	3	0	9
Transvaal Government 3% Guaranteed 1923-53 Average life 12 years	MN	103	2	18	3	2	14	1
L.P.T.B.4½% "T.F.A." Stock 1942-72	JJ	110½	4	1	5	2	18	2
COLONIAL SECURITIES								
Australia (Commonw'th) 4% 1955-70	JJ	106	3	15	6	3	11	10
*Australia (C'mm'nw'th) 3¾% 1948-53	JD	102	3	13	6	3	11	4
Canada 4% 1953-58	MS	110	3	12	9	3	5	8
Natal 3% 1929-49	JJ	98	3	1	3	3	3	5
New South Wales 3½% 1930-50	JJ	99	3	10	8	3	11	8
New Zealand 3% 1945	AO	99	3	0	7	3	2	3
Nigeria 4% 1963	AO	109	3	13	5	3	10	0
Queensland 3½% 1950-70	JJ	100	3	10	0	3	10	0
South Africa 3½% 1953-73	JD	105	3	6	8	3	2	11
Victoria 3½% 1929-49	AO	100	3	10	0	3	10	0
W. Australia 3½% 1935-55	AO	99	3	10	8	3	11	3
CORPORATION STOCKS								
Birmingham 3% 1947 or after	JJ	93	3	4	6	—		
Croydon 3% 1940-60	AO	98	3	1	3	3	2	3
Essex County 3½% 1952-72	JD	105	3	6	8	3	2	8
*Hull 3½% 1925-55	FA	102	3	8	8	—		
Leeds 3% 1927 or after	JJ	92	3	5	3	—		
Liverpool 3½% Redeemable by agreement with holders or by purchase	JAJO	104	3	7	4	—		
London County 2½% Consolidated Stock after 1920 at option of Corp.	MJSD	79	3	3	3	—		
London County 3% Consolidated Stock after 1920 at option of Corp.	MJSD	94	3	3	10	—		
Manchester 3% 1941 or after	FA	92	3	5	3	—		
Metropolitan Consd. 2½% 1920-49	MJSD	98	2	11	0	2	13	4
Metropolitan Water Board 3% "A" 1963-2003	AO	94	3	3	10	3	4	4
Do. do. 3% "B" 1934-2003	MS	95	3	3	2	3	3	7
Do. do. 3% "E" 1953-73	JJ	99	3	0	7	3	0	10
Middlesex County Council 4% 1952-72	MN	112	3	11	5	3	2	4
‡ Do. do. 4½% 1950-70	MN	115	3	18	3	3	5	7
Nottingham 3% Irredeemable	MN	93	3	4	6	—		
Sheffield Corp. 3½% 1968	JJ	105	3	6	8	3	5	1
ENGLISH RAILWAY DEBENTURE AND PREFERENCE STOCKS								
Gt. Western Rly. 4% Debenture	JJ	109½	3	13	1	—		
Gt. Western Rly. 4½% Debenture	JJ	119½	3	15	4	—		
Gt. Western Rly. 5% Debenture	JJ	130	3	16	11	—		
Gt. Western Rly. 5% Rent Charge	FA	128½	3	17	10	—		
Gt. Western Rly. 5% Cons. Guaranteed	MA	126	3	19	4	—		
Gt. Western Rly. 5% Preference	MA	112½	4	8	11	—		
Southern Rly. 4% Debenture	JJ	109	3	13	5	—		
Southern Rly. 4% Red. Deb. 1962-67	JJ	109½	3	13	1	3	9	4
Southern Rly. 5% Guaranteed	MA	125½	3	19	8	—		
Southern Rly. 5% Preference	MA	112	4	9	3	—		

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